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ABSTRACT

This resource document is designed to assist teachers in implementing the "History-Social Science Framework for California Public Schools, Kindergarten through Grade Twelve." The purpose of these models is to support implementation of the "Framework" at the local level. In addition to serving as a resource for teachers and other developers of curricula, the models may be used to plan topics and select resources for professional development. Course models represent a step between the Framework's course descriptions and lesson plans with the course and six unit titles in the course models matching those in the Framework. Unit 1 focuses on "The Constitution and the Bill of Rights." Unit 2 highlights "The Courts and the Governmental Process." Unit 3 examines "Our Government Today: The Legislative and Executive Branches." Unit 4 explains "Federalism: State and Local Government." Unit 5 addresses "Comparative Governments, with Emphasis on Totalitarianism." Unit 6 analyzes "Contemporary Issues in the World Today." Resource materials and suggested activities are included. (EH)

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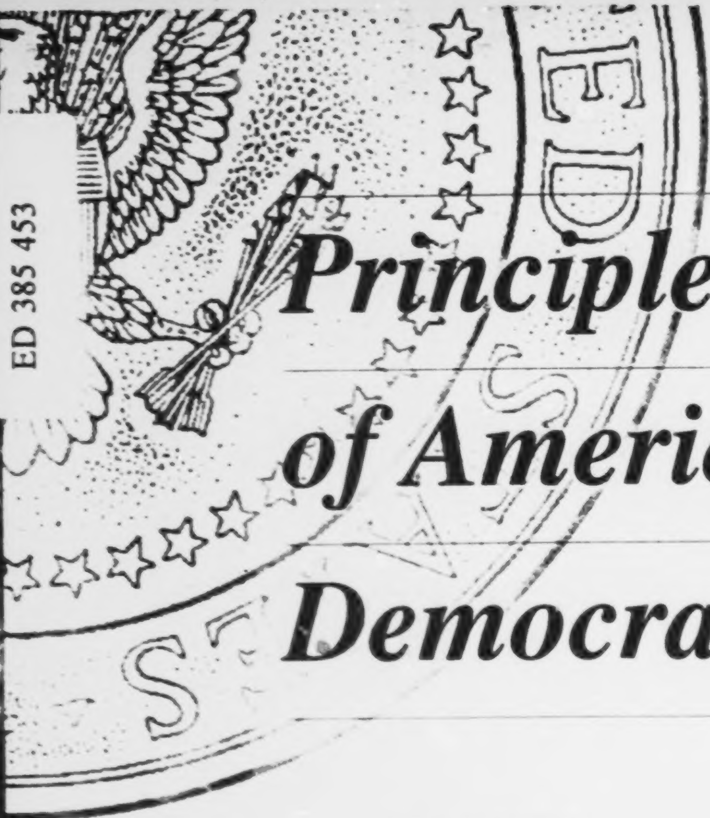
COURSE MODELS FOR THE HISTORY–SOCIAL SCIENCE FRAMEWORK
GRADE 12



Principles of American Democracy

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Principles of American Democracy

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A Message From the Department of Education

In a recent essay, educator John Anthony Scott discusses the importance of teachers' using a variety of materials and strategies to deepen students' understanding and enjoyment of history, government, and civics. A founding member of the National Council for History Education and now cochairman of the Committee on History in the Classroom for the American Historical Association, Scott worked with teachers throughout the 1970s to seek resources to strengthen instruction. Primary sources (such as the *Federalist Papers*), literature, and technology were a few of the resources Scott and his colleagues sought for their students. "Such narratives . . . enrich [the content] with the sound of not one but many voices. . . . The teacher and the writer . . . share a common aim: to fire the student's imagination as he or she contemplates struggles that have unfolded in the past."[1]

Although significant headway is being made to improve the quality of civics textbooks, today's teachers are still faced with bewildering challenges and questions: What additional resources are useful? How can we find them, or even identify them? What strategies help bring these resources to life in ways that are beneficial for students?

Similar concerns were raised at conferences held in 1988 and 1989 to introduce California's teachers to the new *History–Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve* (1988) and to discuss instructional and curricular reform. Participants in those conferences responded enthusiastically to the reform effort in history–social science instruction and to the new *Framework*. At the same time, their evaluations of the conferences included strong pleas for textbooks, other instructional materials, and professional training to support implementation of the *Framework*.

Several responses have been provided to the questions and needs that educators have expressed. For example, in 1991 the California History–Social Science Project initiated a system of regional sites and an increasingly popular series of summer institutes for teachers. This statewide staff development project is funded through Senate Bill 1882 and modeled after the successful California Writing Project and the California Mathematics Project. New textbooks and other resources, such as Richard C. Remy's *United States Government: Democracy in Action* (Glencoe, 1992); the civics framework *Civitas* (Center for Civic Education, 1991); and John Patrick's *The Young Oxford Companion to the Supreme Court of the United States* (Oxford University Press, 1994) continue to be published and richly complement the aims of the *Framework*.

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[1] "Historical Literature and Democratic Education." Occasional paper, p. 3. National Council for History Education, Inc., 26915 Westwood Road, Suite B-2, Westlake, OH 44145-4656, telephone: (216) 835-1776.

Developed concurring with the course models for grade twelve, the *National Standards for Civics and Government* (Center for Civic Education; November, 1994) also is a rich resource for teachers of kindergarten through grade twelve.

This publication, *COURSE MODELS FOR THE HISTORY–SOCIAL SCIENCE FRAMEWORK, GRADE TWELVE—Principles of American Democracy*, is another response to teachers' requests for practical assistance in implementing the *History–Social Science Framework*. This fourth publication in the series follows the general format and approach first established with *COURSE MODELS FOR THE HISTORY–SOCIAL SCIENCE FRAMEWORK, GRADE FIVE—United States History and Geography: Making a New Nation* (1991). The remainder of the series, one volume for each grade level, is scheduled for publication by 1996. School districts, schools, and teachers may choose from and build on the wide range of resources listed, which are illustrated with a variety of instructional strategies. Appropriate resources and strategies can be used in local and regional staff development programs. The series will also be offered to institutions of higher education for use in their teacher education programs.

This new offering in the *COURSE MODELS* series offers stimulating ideas to enrich the teaching of history–social science, enliven instruction for every student, focus on essential topics, and help make learning more memorable. It is a pleasure to present this valuable resource to California's teachers and curriculum specialists and to those educators nationwide who are using the *History–Social Science Framework for California Public Schools*.

Preface

Educators across the state have applauded the *History–Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve.* With their positive reception have come many requests for supporting materials, in addition to traditional textbooks, that will provide opportunities for teachers and students to explore topics in greater depth and use a variety of instructional resources and learning strategies. This publication, *COURSE MODELS FOR THE HISTORY–SOCIAL SCIENCE FRAMEWORK, GRADE TWELVE—Principles of American Democracy,* was prepared in response to those requests. It is the fourth in a series of grade-level publications.

Development of the course models for grade twelve began in the summer of 1990 when teachers of kindergarten through grade twelve, participants in the History Project in California, convened at the University of California, Los Angeles. Funded by ESEA, Chapter 2, the institute brought together teachers who were selected from a large number of exemplary candidates; among the selection criteria were successful teaching experience, creativity in instruction, knowledge of history–social science, and their peers' respect for their potential as trainers. We extend our appreciation to the County/State Steering Committee of the California Association of County School Superintendents and to professional organizations for their roles in helping to select outstanding teacher representatives.

This document reflects the work and creativity of the twelfth grade team. Participants brought personal resources to this endeavor, applied the findings of the institute's researchers, and identified resources beyond textbooks. Their work was supported by the institute's directors and facilitators, academic scholars, master teachers, and curricular specialists.

Participants also developed content-appropriate teaching strategies to make these resources relevant for students. Resources and strategies were then field-tested by the teachers and their peers and refined when the teachers and scholars met the following spring. Each participant involved colleagues in his or her school and district extensively in the field testing.

The resources in this document have been enhanced with ideas from the Connections Project, a cooperative venture between San Francisco State University and the Career–Vocational Education Division, California Department of Education. As the *Framework* recommends, experiences and contributions of ethnic groups and women in history are integrated in this course model, and they will be integrated in subsequent models as well.

We extend particular appreciation for the conceptualization of the summer institute and follow-up to Patricia Taylor of the Center for Academic Interinstitutional Programs (CAIP). She served as the institute's codirector with Francie Alexander and Diane Brooks. Special gratitude is extended to Bruce Schulman and Ed Berenson, whose scholarship and leadership contributed significantly to the development of the course models. Warmest appreciation is also extended to David Vigilante, former teacher and history–social science coordinator, San Diego County Office of Education, who served as principal writer of this document. This publication would not have been possible without the review and many suggestions of John Patrick, director of the Social Studies Development Center, Indiana University, and Scott Stripling, director of the National Center for America's Founding Documents, Boston, Massachusetts. Additional resources and illustrations were provided by staff in the History–Social Science and Visual and Performing Arts Office: Rodney Atkinson, Ira Clark, Eva Fong, and Terry Givens.

HARVEY HUNT
Deputy Superintendent
Curriculum and Instructional Leadership Branch

FRED TEMPES
Associate Superintendent
Curriculum, Instruction, and Assessment Division

DIANE L. BROOKS
Administrator
History–Social Science and Visual and Performing Arts Office

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Initial drafts for the course models in this publication were developed and field-tested by participants in the 1990 History Project in California for twelfth grade. The contributors' titles below were current during the development of this document:

John F. Beacom
Mt. Whitney High School
Visalia

Mark Elinson
Lincoln High School
Los Angeles

Mary Lou Langedyke
La Canada High School

Russell E. Lindgren
Sonora High School

John McCann
Lassen High School
Susanville

Bob O'Connor
Gahr High School
Cerritos

Myron Piper
Norte Vista High School
Riverside

Developmental efforts were supported by the 1990 institute's faculty, directors, and specialists:

Francie Alexander, Codirector
Associate Superintendent
Curriculum, Instruction, and Assessment Division
California Department of Education

Edward Berenson
World History Scholar-in-Residence
Associate Professor of History
University of California, Los Angeles

Diane L. Brooks, Codirector
Administrator
History–Social Science and Visual and Performing Arts Office
California Department of Education

Joan Clemons, Geography Scholar-in-Residence
Coordinator
Southern California Geographic Alliance

Jason Corbett, Institute Assistant
Program Assistant
Center for Academic Interinstitutional Programs (CAIP)
University of California, Los Angeles

Clayton Dube, Researcher
Graduate student
University of California, Los Angeles

Alli Jason
Director of History–Social Science Education
Center for Academic Interinstitutional Programs (CAIP)
Facilitator, Grade Twelve Development Team
Beverly Hills High School

Brenda Joseph-Ness, Researcher
Graduate student
University of California, Los Angeles

John David Lehman, Researcher
Graduate student
University of California, Los Angeles

Regina Morantz-Sanchez
U.S./World History Scholar-in-Residence
University of California, Los Angeles

George Sanchez
US/World History Scholar-in-Residence
University of California, Los Angeles

Bruce Schulman, Codirector
Scholar-in-Residence
Assistant Professor of History
University of California, Los Angeles

Chuck Staneart
Facilitator, Grade 10 Development Team
Huntington Beach Union High School District

Patricia Taylor, Codirector;
Facilitator, Grade 9 Development Team
Executive Director, Center for Academic Interinstitutional Programs (CAIP)
University of California, Los Angeles

Ericka Verba, Researcher
Graduate student
University of California, Los Angeles

Scott Waugh, World History Scholar-in-Residence
Professor of History
University of California, Los Angeles

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Clark Goecker
Executive Director
Institute for Local Self Government
Sacramento

Michael Heise
Educational Excellence Network, Hudson Institute
Indianapolis, Indiana

Jean McDaniel
Curriculum Coordinator
Citizenship and Law-Related Education Center
Sacramento

Joseph P. Maloney
Executive Director
Citizenship and Law-Related Education Center
Sacramento

Shirley Mead-Mezzetta
Executive Secretary
California Council for the Social Studies
Millbrae

Gene Mullin
Teacher
South San Francisco Unified School District

Introduction to the Course Models

Course Models for the History–Social Science Framework, Grade Twelve—Principles of American Democracy is a resource designed to assist teachers in implementing the *History–Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve*. The purpose of these models is to support implementation of the *Framework* at the local level; they are not intended to be viewed as a mandated slate of activities or procedures. In addition to serving as a resource for teachers and other developers of curricula, the models may also be used to plan topics and select resources for professional development.

Course models represent a step between the *Framework*'s course descriptions and lesson plans. The models suggest substantive resources and instructional strategies to be used in conjunction with textbooks and supplementary materials. They serve as examples of activities from which teachers can design lessons to suit the needs and interests of their students. Teachers will need to prioritize topics and develop activities carefully, gauging the time necessary to convey essential learnings to students.

The course and unit titles in the course models match those in the *Framework*. Essential topics for teaching the units described in the *Framework* are identified, and approximate instructional times are suggested. Each unit includes an annotated list of sample resources, including literature, primary sources, artwork, and educational technology.

Each of the six units delineated in the *Framework*'s twelfth grade course description is developed in these course models. The writers selected one or more topics within these units and then outlined instructional practices that offer both breadth and depth, including varied activities, pertinent resources, ideas for curriculum-embedded assessment, strategies for use with Chapter 1 students,[1] and correlation of topics with other subject areas. From these suggested practices, teachers may select ideas to work into their own lesson plans.

---

[1] Chapter 1 of the Education Consolidation and Improvement Act (ECIA) of 1981. Chapter 1 funds are used to provide special educational assistance to students because of social, cultural, linguistic, or academic disadvantages.

John Patrick
Social Studies Development Center
Indiana University
Bloomington

Amanda Podany
Executive Director, California History–Social Science Project
Center for Academic Interinstitutional Programs (CAIP)
University of California, Los Angeles

Scott Stripling
National Center for America's Founding Documents
Boston University

The models were revised and prepared for publication, and illustrations selected, by members of the History–Social Science and Visual and Performing Arts Office:

Diane L. Brooks
Administrator

Rodney Atkinson
Consultant

Cecelia Calmes
Resources Researcher

Ira Clark
Consultant

Eva C. Fong
Consultant

Terry Givens
Consultant

Matthew H. Iskra
Technician

Minnie Turner
Technician

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Mericos Foundation
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Format

All units follow the same format. Each begins with a rationale and overview ("Uses and Significance of the Topic"); there follow presentations of activities to introduce the sample topic ("Beginning the Topic") and to continue it ("Developing the Topic"). In the next section ("Culminating the Topic") activities are suggested that encourage students to apply what they have studied through projects that demand deeper thought and better preparation than might otherwise be required. "Activities for Other Topics" includes activities that relate to topics other than the sample topic. This section is followed by one describing extended activities, some of which may be correlated with other subject areas or with community resources and projects.

Each unit ends with an extensive, annotated list of sample resources, including books, articles, primary sources, art prints, and educational technology. Resources considered essential to the topic are marked with double asterisks (**); those deemed important or especially notable, with a single asterisk (*). Activities that are particularly effective for Chapter 1 students and for curriculum-embedded assessment are included throughout the models.

Appendixes to certain units include helpful background readings for teachers or materials supplementing activities for the sample topic.

The flexible nature of the course models allows teachers to select, adapt, substitute, and restructure instructional ideas to suit the needs of their students. The lists of resources are not exhaustive; teachers should rely as well on any additional materials they have identified that address the *Framework*'s course description.

Resources

The term *resources* as used throughout the course models series includes primary sources, literature (both nonfiction and fiction), background information, supplementary readings, educational technology, and other types of materials for both students and teachers. Resources specifically intended for teachers' use are also cited, such as the framework for civics and government, *Civitas*, produced by the Center for Civic Education.[2] In many cases, a unit's listings of resources relate directly to suggested activities in the unit; in other cases, a listed resource suggests ideas for further development of topics in the unit.

---

[2] Center for Civic Education, 5146 Douglas Fir Road, Calabasas, CA 91302, (818) 591-9321.

The teacher-writers considered the resources cited to be especially valuable when they field-tested the material and have made every effort to identify those resources that are currently available. Titles known to have been out of print when this document went to press have been so indicated; they are listed for the sake of teachers and librarians who may have access to copies. If a publisher has deleted a title or if it is unavailable from local sources, a suitable substitution may need to be found. Librarians, curricular resource personnel, and colleagues can be very helpful, as can visits to schools, universities, public libraries, museums, historical societies, and bookstores.

Some of the resources listed in the course models appear in the *Framework* or in the annotated bibliography *Readings for Teachers of United States History and Government* (1990); others are new citations. Further resources, strategies, and field-tested practices appropriate for Chapter 1 students are described in *With History–Social Science for All: Access for Every Student* (1992). These publications are available from the California Department of Education, Bureau of Publications, Sales Unit, (916) 445-1260.

The *Model Curriculum Guide for History–Social Science, Kindergarten Through Grade Eight* (1992), though not initially intended for twelfth grade teachers, offers an array of questions, activities, and exemplars that easily apply, in modified form, to the twelfth grade course (see especially chapters that address the framework goal of "Democratic Understanding and Civic Values"). Copies of the *Guide* are available from the Office of the Kern County Superintendent of Schools, 5801 Sundale Avenue, Bakersfield, CA 93309-2924, Attention: Gina Davis. John Patrick and Richard C. Remy's *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics* (Boulder, Colo.: Social Science Education Consortium, Inc., 1985) is recommended as an exceptional sourcebook of lesson plans and resources; it is obtainable from social studies supply houses. Together these two publications provide vital instructional ideas ranging from the simplest to the most sophisticated. They complement the course models and should be used as references whenever local curriculum and lesson plans are being developed.

Appropriate Strategies

Effective teaching involves the thoughtful coordination of content and strategy. The *History–Social Science Framework* encourages "a variety of content-appropriate teaching methods that engage students actively in the learning process." (See the *Framework*, pages 7 and 8.) The course models support this recommendation by offering a variety of strategies appropriate to the suggested resources. These strategies encompass written and oral reports; journals; engaging homework; collaborative research; Socratic seminars; readers' theater or other forms of dramatization; student-developed newspapers, broadsides, and posters; varied uses of biographies and essays; open-ended questions; "grand conversations"; "lively lectures"; use of community resources for purposes of examining local issues or participating in community programs; computer programs; innovative uses of technology such as databases, or student-developed databases; and simulations. Strategies should be selected by considering what is to be learned, which strategy is most effective in cultivating learning, and how much time is needed. While writers of the course models acknowledge the importance of students' motivation, most of the suggested activities focus on helping teachers achieve an in-depth study of sample topics. Teachers should plan these activities carefully, taking care to provide ample opportunities for students' reading, writing, listening, and speaking.

One approach to the use of varied resources, called resource-based instruction, has proved to be successful in schools whose library and media centers offer a broad, rich collection of materials: indexed magazines, newspapers, art collections on laser disks, software, literature (fiction and nonfiction of various genres), and other kinds of resources. In this type of instruction, the media center is seen as an extension of the classroom; the center is staffed by a credentialed library media teacher who acts as a teaching partner: planning curriculum and instruction with the classroom teacher, helping to locate and provide primary sources, actively coaching students and assessing students' work in the media center, and matching resources to student needs, based on the curriculum to be taught.

Such an approach offers opportunities for a thoughtful, well-developed implementation of the *History–Social Science Framework*. The course models provide topics, instructional anecdotes, and extensive resources that form a basis for such collaborative development. For example, the history–social science teacher can identify specific topics conducive to collaborative preparation and presentation; together, teaching partners can adapt the sample activities to suit available resources, student needs, and the time allotted for the topic.

The California History–Social Science Project offers a vital opportunity for staff development of both classroom teachers and library media teachers. Through involvement in the Project's summer institutes and follow-up activities, teachers can broaden their understanding of history–social science, become a part of the Project's growing network of teachers, and study with political scientists, historians, geographers, and other scholars. Such experiences and contacts strengthen teachers' abilities and improve the quality of collaborative efforts at school sites. Interested teachers are referred to "The Importance of Teachers' Professional Reading," which appears later in this introduction.

Meeting the Needs of All Students

Teaching history–social science requires instructional strategies that meet a wide range of needs. Some students may have low basic skills or may not see how the study of history is relevant to their lives. Some may have low literacy levels, may be limited- or non-English speakers, may have had fewer experiences in the community or through travel, or may have had fewer literary experiences. Other students may come from very different educational systems, or may have had little formal education. Still others may possess literacy and ability levels well beyond their grade levels. Addressing this variety of needs while teaching the content outlined in the *History–Social Science Framework* is a challenge, since this rich curriculum is essential for all students.

To assist the teacher in planning for all students, suggestions are made throughout the course models to help him or her address a variety of special needs. Strategies are suggested, such as prereading with Chapter 1 students; doing projects in small, heterogeneous cooperative groups to assist special education students; and using visuals, graphic representations, and other nonprint resources for limited-English-proficient students. There are also many research projects, supplemental readings, and activities that extend classroom work for students in the gifted and talented programs; for bilingual students, participating in an academically rich curriculum is a critical factor in gaining language mastery.

Teachers and curriculum planners are encouraged to read *With History–Social Science for All: Access for Every Student* and the *Bilingual Education Handbook*, both available from the Bureau of Publications, Sales Unit, California Department of Education, P.O. Box 271, Sacramento, CA 95812-0271, (916) 445-1260. These publications promote the philosophy that students in Chapter 1 and other compensatory education and categorical programs are best taught within the regular classroom. In the first of these two publications, six access strategies are described and exemplified by classroom applications at various grade levels, from kindergarten through grade twelve: enriching civics and government through literature or through story examples; connecting civics and government with other learnings; connecting them to students' personal experiences; adapting to different learning styles; integrating social participation skills in the curriculum; and linking students to their communities. The examples and philosophy presented in the second publication reiterate the importance of all students having access to the core curriculum, regardless of the delivery system being used.

As part of an ongoing, evolving project, the California Department of Education's Clearinghouse for Specialized Media and Technology has begun to transcribe student resources cited in these course models, making materials accessible for visually impaired, hearing impaired, and learning disabled students. Teachers interested in locating resources in specialized media (e.g., Braille, large print, and oral media) may contact the Clearinghouse at (916) 445-5103.

Teachers of gifted and high-achieving students attest to the effectiveness of a variety of strategies in achieving high interest or success in history–social science. For example, it is helpful if students are allowed to substitute a more challenging assignment for a less challenging one. Some whole class assignments can be developed to offer all students a variety of roles or activities, some requiring more time or effort than others. Periodically, the teacher can structure the class so that students who need additional time for a particular activity are grouped together (working with the teacher, aide, or peers); and students who are ready to move on to something new are clustered together to work on a more challenging activity. Social rewards, such as the opportunity to spend extra time with the teacher, a mentor, a community member, a government official, or other students, or the chance to share work with the class, are also beneficial for gifted students. Many of the instructional anecdotes appearing in the course models are easily accessible to students in Advanced Placement classes.

While research shows that tutoring can be beneficial for both the tutor and the student being tutored, this strategy can be overused. Sometimes student tutors mistakenly conclude that since they have mastered a certain content, there is nothing left to learn. Instructional programs need to be planned so that all students continually strive to improve their achievement.

Those who work with our educationally advantaged or disadvantaged students attest to the fact that collegial cooperation and communication are keys to success. Beyond such issues as the processes for developing and sharing student information and records, parent conferencing, and grading, the issue of lesson modification is germane to the use of the course models. Some strategies should be modified to suit individual learning needs; others are adaptable to collaborative teaching situations. Classroom government teachers must identify those topics and resources from the course models which are most vital for students' understanding and, therefore, most essential for collaborative modification.

Homework and "World-Class Learning"

Research confirms that the amount of time students spend on homework each week is a major factor in how much they learn. Mastering academic material is no different from mastering sports or chess, activities in which well-coached efforts show handsome benefits. Factors that contribute to students' achievement through homework include clear school guidelines; coaching sessions on how to study independently; communication with the home regarding assignments; encouragement, support, and, at times, involvement by parents; and goals set by students. As educator Herbert J. Walberg has observed, "World-class learning will require more study time."[3]

Variety in homework assignments is a key factor in maintaining students' interest and ensuring learning. For example, if Tuesday night's assignment focused on researching and writing on a particular topic, Wednesday night's might consist of independent reading and journal writing related to the topic. The assignment for Thursday could entail reading a textbook, and, for the weekend, preparation for Monday's collaborative activity might be assigned. Lesson plans should include opportunities for students to apply the knowledge they have gained from doing homework. Even spending a short time reviewing assignments or having students write short summaries in class can reinforce the importance of both the assignments and students' accountability. Many activities suggested in this publication are flexible enough to be reworked as homework assignments.

Having students read good literature is also a valuable type of homework. Biographies, essays, historical fiction, and primary source readings can be engrossing for students, whether the readings are assigned by teachers or selected by students themselves. Outside reading should be an ongoing characteristic of the study of history and government. Teachers may assign a variety of reading material, including primary source readings for critical thinking and "hands on" access to the issues of democracy, whether current or historical; or supplements to a textbook.

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[3] Herbert J. Walberg, "Does Homework Help?" *Network News and Views.* Washington, D.C.: Educational Excellence Network (March, 1991), pp. 78–79.

Researchers are advising that, as long as assignments are reasonable and well developed, more homework is beneficial to students. Teachers are in the best position to judge the amount of homework in government and civics they assign to their students in relation to homework assigned by teachers of other subject areas.

The Importance of Teachers' Professional Reading

The curriculum described in the *History–Social Science Framework* for twelfth grade brings new challenges. The emphasis on primary sources (e.g., *The Federalist Papers*, the State Constitution, local ordinances, court cases) and the focus on a historical understanding of constitutional issues have led to the need for additional background knowledge and refresher courses for teachers who want to strengthen instruction. Teachers are encouraged to increase their knowledge through extension courses in United States political science and history given by universities and colleges. Resources available from the Constitutional Rights Foundation, (213) 487-5590, as well as the aforementioned Center for Civic Education, (818) 591-9321, are excellent materials for workshops and training sessions. Professional institutes, such as those conducted by the California History–Social Science Project, (310) 206-5031, are most beneficial.

Although many districts provide time for teachers' professional development and planning and provide instructional materials, a comparatively inexpensive form of development is sometimes overlooked: teachers' own reading and study.

The merits of independent reading already are known to most teachers. Collegial reading circles in history–social science departments, schools, districts, and at county or regional levels also can be invigorating because they provide opportunities for mutual discovery and the exchange of ideas and questions. Some teachers enjoy a biweekly session, one or two hours in length, devoted to the discussion of a particular work being read by peers or participants. Essays, biographies, primary sources, and other literature can offer exciting reading when accompanied by lively discussion.[4]

A brief list of suggested readings is given below. Not exhaustive, the list suggests a nucleus of essential and representative readings in "civic literacy" relating to topics in the twelfth grade course.

Nearly all of the titles listed may be read by students as well. Excerpted or in full, selected works may be used for independent, assigned group, or whole-class assignments. Such readings lend themselves to a variety of instructional strategies, such as those cited earlier in the "Appropriate Strategies" section of this introduction. Whether studied by teachers or students, the suggested works offer immeasurable support and inspiration for all those whose will to learn is at the center of their civic lives.

- The *Federalist Papers* is available in various editions, several of which are cited in the resources section for Unit I. *The Federalists* (Wesleyan University Press), edited by Jacob E. Cooke, is suggested to teachers for its scholarship, helpful cross-references, and clear, easy-to-read type. Both students and teachers will find Clinton Rossiter's paperback edition of *The Federalist Papers* (Mentor Books, New American Library, 1961) useful since it is comparatively inexpensive and includes the text of the Constitution, with passages cross-referenced to specific sections of the Federalist essays.
- Perhaps the most complete and authoritative edition of the anti-Federalist positions is the seven-volume *The Complete Anti-Federalist*, edited by Murray Dry (University of Chicago Press, 1981). It is suggested as a reference for teachers who have access to it through public, university, or college libraries. Herbert Storing's *The Abridged Anti-Federalist* (University of Chicago Press, 1985) is more conducive to classroom and school library use since it is a one-volume selection of essential essays found in Dry's work. As this document goes to press, *The Abridged Anti-Federalist* is available hardbound or softbound from the publisher. Other editions of Anti-Federalist writings are cited in the resources for Unit I.
- James Madison's *Notes of Debates in the Federal Convention of 1787* is available as a hardback (Ohio University Press, 1985) and as a paperback (W. W. Norton, 1987). Though less frequently studied than the *Federalist Papers*, Madison's *Notes* are exciting, reading almost

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[4] Teachers interested in forming study groups may refer to the article "Study Groups Foster Schoolwide Learning," *Educational Leadership*, the Journal of the Association for Supervision and Curriculum Development, Volume 50, Number 3 (November 1992). For information about copies, write to Bell and Howell, Old Mansfield Road, Wooster, OH 44691-9050.

like a well-paced novel, once readers understand the issues being debated. Passages can supplement the study of topics in Unit I.

- Long a standard in popular studies of American documents, Joseph W. Story's *A Familiar Exposition of the United States Constitution* is occasionally re-issued by publishers and is in many libraries. Story (1779–1845), a Supreme Court justice from 1811 to 1845, was a prolific writer who took special pride in his work as a legal educator. This book is regarded as a classic of its kind. The most recent edition is published by Regnery-Gateway; interested teachers may order it by calling (202) 546-5005.
- Certainly Alexis de Tocqueville's classic *Democracy in America* is indispensable for both U.S. history and American government classes. Presenting the observations and reflections of a French traveller in the United States of the 1830s, the work stands as a major commentary on the nature of democracies, their strengths and weaknesses, the high roads and pitfalls of citizenship in a civil society, and the American character. It is essential that students be exposed to this masterpiece of nonfiction. By reading selected passages, students gain a better understanding of what is required of citizens in a free society (i.e., responsibilities, or what one jurist describes as "the other side of freedom"); students also reflect on the changes and continuity in American life, including its glories and deepest tragedies. The Henry Reeve translation, edited by Phillips Bradley, is issued in two attractive, well-printed paperback volumes and is published by Alfred A. Knopf. Specific chapters for classroom reading are suggested in Unit IV, in the section, "Uses and Significance of the Topic."
- *The Life and Times of Frederick Douglass* is an authentic American classic. One of the great examples of American autobiography, the work is recommended as core literature to be correlated between language arts and history–social science classes at twelfth or eleventh grade. By studying this book and various speeches delivered by the great African-American writer and abolitionist, students gain a better understanding of the violations of American principles by the institution of slavery. Macmillan issues a convenient paperback edition of the complete work, under the Collier Books imprint.
- *The Autobiography of Benjamin Franklin* is available in several paperback editions (e.g., Penguin,

Bantam) and is likewise recommended for correlation with language arts. The character of Franklin is a colorful and instructive one, and his personal story sheds light both on the Constitutional era and on the traits of a free people. If, before reaching high school, students have not studied a work written prior to the twentieth century, the Franklin and Douglass books are strong contenders for this first experience.

- *Abraham Lincoln: His Speeches and Writings*, edited by Roy P. Basler (Da Capo Press, n. d.), is a collection to treasure. Lincoln's depth and elegance as a writer make this yet another candidate for correlation with language arts. For example, students would do well to study Lincoln's 1857 speech at Springfield, Illinois, in which he refutes Justice Taney's majority opinion in the notorious Dred Scott decision. Lincoln was a keen observer of human nature and a great teacher of politics. His grasp of the American founding exceeds that of many persons today.

  In conjunction with some of Lincoln's speeches, students would benefit from reading certain portions of the Bible, as well as some of Shakespeare's plays, in particular *Macbeth*, of which Lincoln was a keen student. Lincoln's writings are worthy of study and reflection by citizens of all backgrounds.

- In addition to the primary and collateral sources already cited, collections of primary source material, arranged chronologically for historical context, provide excellent teaching material. Three books are cited as samples:

  The People Shall Judge, parts 1 and 2 (University of Chicago Press, various dates), contain excerpts from original sources, beginning with the Mayflower Compact and continuing through Supreme Court cases of the 1950s. A great many presidential speeches are included, along with correspondence between Jefferson and Adams and excerpts from the writings of Locke, Hobbes, and Adam Smith. This is an outstanding collection, each part consisting of two volumes. Regrettably, the publisher has allowed even the paperback editions to go out of print, but efforts are currently underway to secure a publisher for a reprint edition. In the meantime, teachers are encouraged to seek copies in libraries. Excerpts could serve as a text for twelfth and eleventh grade classes, supplemented with good secondary material.

  Readily available is *The American Reader: Words That Moved a Na-*

tion, edited by Diane Ravitch (HarperCollins, 1990). This annotated trove of essays, speeches, song lyrics, and poems offers a chronological presentation of American heritage writings from the 1600s to the present. The collection displays a variety of perspectives and experiences (including ethnic ones), all revealing the American spirit. Passages from Hector de Crèvecoeur's "Letters from an American Farmer" and John Adams's treatise on liberty and knowledge relate to attributes of citizenship, which twelfth graders examine in Unit IV. Both hardback and paperback editions exist. A companion volume, *The Democracy Reader: Classic and Modern Speeches, Essays, Poems, Declarations and Documents on Freedom and Human Rights Worldwide* (HarperCollins, 1992), edited by Diane Ravitch and Abigail Thernstrom, maintains the same format, but draws its material from world history. Old standards are included (e.g., writings from the *Federalist Papers*), to which have been added some less familiar sources (e.g., Thomas Jefferson's reservations regarding the unratified draft of the Constitution) and more recent ones (the Zaire Parliament members' "Open Letter to Citizen Mobuto Sese Seko," pertinent to twelfth graders' study of the unit "Comparative World Governments"). At every high school, history–social science departments should endeavor to own at least one copy of these two invaluable resources.

- The publishing house of Alfred A. Knopf once issued a noteworthy series entitled *THE AMERICAN PAST*. Consisting of handsome, reader-friendly editions of literary milestones in U.S. history, the series contributed a great deal toward the historical and civic literacy of students, educators, and other citizens. The series included such titles as Governor William Bradford's *Of Plymouth Plantation*; *An Overland Journey*, by Horace Greeley; *Memorials of a Southern Planter*, by Susan Dabney Smedes; and *The Cotton Kingdom*, by Frederick Law Olmstead. Such works offer teachers of American government historical insights into long-standing topics and issues within the domain of civics. While some of the volumes in the series are currently out of print, others, such as the Smedes and Olmstead works mentioned above, are now reprinted by other publishers. Teachers should consult *Books in Print* (Bowker, current issues) and libraries for listings of available editions.

- Controversies relating to constitutional issues have been ongoing since the days of ratification. Reading contemporary essays by constitutional scholars and political scientists is an excellent way to better understand arguments and to formulate one's own opinions. Toward these aims, teachers are referred to a distinguished series, *A Decade of Study of the Constitution*. Each of the ten books in the series concentrates on a fundamental constitutional controversy, for which diverse authors write essays from different points of view. Titles include:

How Democratic Is the Constitution?

How Capitalistic Is the Constitution?

How Does the Constitution Secure Rights?

Separation of Powers — Does It Still Work?

How Federal Is the Constitution?

How Does the Constitution Protect Religious Freedom?

Slavery and Its Consequences: The Constitution, Equality, and Race

The Constitution, the Courts, and the Quest for Justice

Foreign Policy and the Constitution

The Spirit of the Constitution: Five Conversations

Teachers will note that the series addresses issues that arose at the time of the country's founding and that continue to be at the center of American politics.

Though the publisher of the series, the American Enterprise Institute, is considered to be conservative in its policy views, the books' editors have conscientiously solicited writings from political scientists, jurists, and scholars representing a spectrum of viewpoints for each of the ten topics. The opinions expressed by differing contributors provide enlightening and stimulating reading. The series focuses on the structure of government and the character of representation, topics not taught in courses concentrating on Supreme Court cases. Paperback editions are available. Teachers and serious students will derive much from the books; in some cases, such as in Advanced Placement classes, selected essays may be assigned to collaborative groups for reading and reporting, followed by whole-class discussion and reflective writing.

Brochures and purchasing information regarding the series are available from the AEI Press, P.O. Box 753, Waldorf, MD 20604, (202) 862-5800.

- Though frequently studied in connection with United States history and the Civil Rights movement, Martin Luther King, Jr.'s "Letter from a Birmingham Jail" is interesting when examined in light of the *Federalist Papers*. A close reading helps link key points in King's letter to the thought and traditions of the Founders. Teachers interested in information or in-service workshops on this or related topics may contact Scott Stripling at the National Center for America's Founding Documents, Boston, Massachusetts, (617) 353-6278.

Such a limited list can only hint at the many other commendable readings for professional development. To the above should be added good generic histories; pertinent biographies; collections, such as *Jefferson: Public and Private Papers* (Random House), edited by Merrill Peterson, or Robert S. Alley's *James Madison on Religious Liberty* (Prometheus Books); historical letters, such as John Adams's letter to John Taylor regarding the meaning of equality; relevant fiction (e.g., Nathaniel Hawthorne's slyly humorous short story "The Celestial Railroad" or his grim yarn "Earth's Holocaust"; James Clavell's chilling tale of schoolhouse subversion, "The Children's Story"); and even poems and plays.

As one young high school teacher observed, "You have to be very full to teach." Reading substantively is not only the most inexpensive and rewarding form of professional development available, but it is enduringly beneficial to teachers' civic and personal lives.

Themes for American Government Courses: Suggestions for Implementation

> The great moral attribute of self-government [popular sovereignty] can not be born and matured in a day; and if children are not trained to it, we only prepare ourselves for disappointment if you expect it from grown men [and women]. . . . As the fitting apprenticeship for despotism consists in being trained to despotism, so the fitting apprenticeship for self-government consists in being trained to self-government.
>
> Horace Mann

Like the watchful figure of Janus, the course Principles of American Democracy looks both forward and backward. As described in the *History–Social Science Framework*, the course builds on all that students have acquired in previous courses in United States history and world history, as well as in their studies in primary and fourth grades. The purpose of Principles of American Democracy is to impel students toward lives of productive citizenship.

In its content and organization, this capstone course helps to foster a sharper understanding of the documents and debates that marked the founding of the United States; of its governmental structure and process; of the principles, purposes, and challenges of federalism; of the ideas and governments which threaten liberty and democratic principles; and of the importance of informed participation as a means of solving or contending with contemporary problems in the community, state, nation, and world. It is hoped that as a result of a strong history–social science curriculum, students will continue to pursue a civic education throughout their lives and that they will continue to develop those traits of good citizenship so vital to the welfare of a constitutional, federal republic.

Knowledge, participation, sustained effort, civic character—these practices and attributes are achievable only when teachers lead students beyond the levels of knowledge or analysis and successfully appeal to students' beliefs and convictions. It is possible for a student to correctly and completely analyze a contemporary issue in light of democratic principles or constitutional law, for instance, without having the slightest intent of nurturing or acting on civic values and principles in his or her personal life. Real civic education requires more than purely cerebral processes or activities.

> Most people will hold right attitudes . . . when they feel themselves free, secure, and justly treated. The tough part of civic education is to prepare people for bad times. The question is not whether they will remember the right phrases, but whether they will put them into practice when they feel wrongly treated, in fear for their freedom and security. Or when authorities and the well-placed, public or private, appear to flout every value and priority taught in school. . . . Citizens need to tell each other, before it is too late, what struggles had to be accepted, what sacrifices borne and comforts given up, to preserve freedom and justice.[1]

From kindergarten through grade twelve, teachers need to impress upon students the moral, ethical, and civic principles that are fundamental to American civic life. Such principles are rarely evident in standardized tests, and while it may not be possible or desirable to test students on their commitments to principles of character, this facet of civic education remains one of the most pressing needs today.[2] The units and topics in Principles of American Democracy offer vital opportunities to extend and deepen students' regard for American government and civil society and to encourage them to practice civic virtues. This guidance includes, but is not limited to, a thorough grounding in the ideas and rationale that form the core of our democratic life.

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[1] Paul Gagnon, *Democracy's Half-Told Story: What American History Textbooks Should Add*. Washington, D.C.: American Federation of Teachers, 1987, p. 21.

[2] In this context, civic education possesses a close relationship to what is today being called "character education." Teachers are referred to Kevin Ryan's essay "The New Moral Education," in the November 1986 issue of *Phi Delta Kappan*, pp. 228–233 (Phi Delta Kappan, Eighth Street and University, Box 789, Bloomington, Indiana 47402), for a discussion of five elements believed to be essential in character and civic education. The two volumes of *Reasoning with Democratic Values: Ethical Problems in United States History* by Alan Lockwood and David E. Harris (New York: Teachers College Press, 1985) also are strongly recommended to history–social science department staffs. Teachers and administrators also are referred to *Moral and Civic Education and Teaching About Religion* (ISBN 0-8011-0968-X), published by the California Department of Education, Sacramento. See, for example, pp. 1–4, 8–9, and 14–17.

Cross-Grade Coordination of Themes

While there may be general agreement regarding the values of a course in American government and civics, major questions emerge: How do we increase the likelihood of civic commitment on the part of students? What steps can be taken to strengthen the power of Principles of American Democracy as a course that builds on students' past learnings while preparing them for personal and civic life beyond high school?

A significant step can be taken when history–social science departments initiate a coordinated, curricular effort across grades. Such coordination includes meetings involving not only the history–social science teaching staff of high schools but also teachers of middle grades in the high school's district.

In collaborative meetings or workshops, middle and high school teachers should:

- Identify vital themes, units of study, and key concepts in U.S. and world history courses that relate to the civic literacy strands in the *Framework* (see pages 19–23).
- Prioritize topics for special development from those listed in the units of study in the course descriptions for each grade.
- Articulate a focus for achieving the goal of "democratic understanding and civic values," which includes a discussion of materials and instructional strategies most effective for this aspect of the *Framework*'s curriculum.

Through collaborative efforts, a common vision and practical plan can be developed which, when consistently implemented, will render improvements and many far-reaching benefits.

As a guide for schools seeking to develop such a plan, seven major themes are suggested below. Although these are not the only themes that may be developed, they are all salient themes that are applicable to all grades in which world history, U.S. history, and American government are taught. For each, a summary of main points is given, along with suggested questions or concepts. In several cases, related readings are cited, especially primary sources; these are valuable either for students' reading or for teachers' background reading. Specific units from the *History–Social Science Framework* are suggested as the contexts for studying a theme in relation to the historical periods covered in grades five through twelve: the page numbers cited refer to passages in the *Framework*, to which teachers should refer.[3]

Authority and liberty in colonial America. Liberty, which has not always been thought to be unambiguously good, can be used for good or ill. Students should understand the complexity of liberty in its relationship to authority. How do common citizens solve the problem of practicing self-government while achieving "ordered liberty"? Students should understand why a political regime dedicated to promoting individual liberty is better than, say, a monarchy or even a benevolent dictatorship. Studies of the New England town meeting and such readings as the Mayflower Compact, John Cotton's discussion of equality and inequality in Puritan Massachusetts, John Winthrop's writings on liberty, and the English Bill of Rights are among complementary readings, as perhaps are the writings of William Penn on the Magna Carta.[4]

This theme should be studied in some depth in:

Grade 5	"Settling the Colonies" (pages 51–52) "The War for Independence" (pages 53–54)
Grade 6	Various examples of authority and liberty in ancient civilizations (pages 57–61)
Grade 7	"Early Modern Europe: The Age of Exploration to the Enlightenment" (pages 67–68), e.g., English Bill of Rights
Grade 8	"Connecting with Past Learnings: Our Colonial Heritage" (page 69)
Grade 10	"Connecting with Past Learnings: The Rise of Democratic Ideas" (pages 84–85)
Grade 11	"Connecting with Past Learnings: The Nation's Beginnings" (page 93)

This theme should be reviewed in:

Grade 12	"The Constitution and the Bill of Rights" (page 103) "Comparative Governments" (pages 105–107)

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[3] In planning coordination meetings some departments like to involve teachers of fifth, sixth, and seventh grades with teachers of higher grade levels. Other schools choose to limit involvement of middle schools to eighth grade teachers, with the understanding that middle schools will conduct a similar coordination effort within their schools and with elementary teachers. For coordinators' convenience, *Framework* units from grades five through twelve are cited.

[4] A number of readings suggested in this section may be found in Volume I, Part 1 of *The People Shall Judge* (Chicago: University of Chicago Press, 1949, 1976), available through university and public libraries.

John Adams

Th Jefferson

Concepts fundamental to this theme include rule of law, limited government, and taxation without representation.

The Revolutionary debate: Struggle for independence and democracy. Independence from Britain did not of itself determine that our government would be democratic. The agitation over taxation led to an unlimited debate over the nature of political authority and the characteristics of good government and civil society. In their correspondence, Jefferson and Adams discussed the meaning of "natural aristocracy" and America's cultivation of such an aristocracy, as contrasted with an artificial aristocracy based on wealth or "accidents of birth." The letters between Jefferson and Adams and the Virginia Declaration of Rights may be read by older students; the Founders' understanding of the word *equality* may be introduced to younger students in simpler form.[5]

This theme should be studied in some depth in:

Grade 5	"The War for Independence" (pages 53–54)
Grade 6	"The Foundation of Western Ideas: The Ancient Hebrews and Greeks" (pages 58–59)
Grade 8	"Connecting with Past Learnings: A New Nation" (page 69)
Grade 10	"Connecting with Past Learnings: The Rise of Democratic Ideas" (pages 84–85)
Grade 11	"Connecting with Past Learnings: The Nation's Beginnings" (page 93)

This theme should be reviewed in:

Grade 12	"The Constitution and the Bill of Rights" (page 103)

It is essential that students understand a vital idea in the contest to maintain democratic principles: that government exists for the people, not for its own sake. Individuals have the liberty to undertake whatever powers are not specifically granted to levels of government. Majority rule and the protection of individuals against the tyranny of the majority are counter-balancing principles embodied in such ideas as due process of law; free press; periodic, protected elections; freedom of religion; representation; federalism; and equality before the law.

Confederation and Constitution. Students should understand the difference between these two concepts of state. They should also understand how the Constitution of 1787 improved upon the Articles of Confederation.

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[5] See *The People Shall Judge*, pp. 205–235 for these and other pertinent readings.

Connected with this study should be a discussion of the fundamental dilemma for any free society: how to empower a government with enough effectiveness to execute its functions yet limit its power so that it cannot infringe on the liberties of individual citizens. "To make a government requires no great prudence," observed Edmund Burke. "Settle the seat of power; teach obedience and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go the rein. But to form a *free government*; that is, to temper together these opposite elements of liberty and restraint in one consistent work, requires much thought, deep reflection, a sagacious, powerful, and combining mind."[6] The writings of such "combining" thinkers as James Madison, Thomas Jefferson, and John Adams are especially pertinent for high school studies. Two convenient paperbacks, *Basic Documents on the Confederation and Constitution* and *Basic Documents in American History* by Richard B. Morris (*ANVIL SERIES*, Malabar, Fla.: Robert E. Krieger Publishing Co., 1985 and 1986) are among useful collections of primary source material for teachers and eleventh and twelfth grade students studying this and other themes.

This theme should be studied in some depth in:

Grade 5	"The War for Independence" (pages 53–54)
Grade 6	"East Meets West: Rome" (pages 60–61), e.g., the written constitution of Rome
Grade 7	"Early Modern Europe: The Age of Exploration to the Enlightenment" (pages 67–68), e.g., Montesquieu's ideas regarding separation of powers
Grade 8	"The Constitution of the United States" (page 69)
Grade 10	"Connecting with Past Learnings: The Rise of Democratic Ideas" (pages 84–85) "Nationalism in the Contemporary World" (e.g., South Africa's and Estonia's new constitutions) (pages 89–92)
Grade 11	"Connecting with Past Learnings: The Nation's Beginnings" (page 93)
Grade 12	"Federalism: State and Local Government" (page 105)

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[6] From Edmund Burke, *Reflections on the Revolution in France*, *HARVARD CLASSICS*. Edited by Charles W. Eliot. New York: P. F. Collier and Son Corporation, 1909, p. 375.

This theme should be reviewed in:

Grade 12 "The Constitution and the Bill of Rights" (page 103)

Balance of power, separation of powers (including the powers of an independent judiciary), consent of the governed, and opportunities for redress of grievances are among salient concepts relating to this theme.

The American character. A tension in American life between individualism and public spiritedness has been observed by astute social critics such as Alexis de Tocqueville. Selections from his *Democracy in America* are recommended for older students; eighth graders can read (or hear their teachers read) shorter excerpts and compare Tocqueville's descriptions with American life today. They may also discern the moral and ethical standards set forth in important school textbooks such as *The Bay Psalm Book*, *The Columbian Orator*, and *McGuffey's Readers*. Students should study artifacts, such as tools and buildings, once common to American daily life since these things reveal much about American attitudes toward nature and frugality. Eric Sloane's *Once Upon a Time: The Way America Was* (Mamaroneck, N.Y.: Hastings House, 1982), for example, contains detailed drawings and nostalgic commentary and is suggested for discussion.

This theme should be studied in some depth in:

Grade 5 "Linking Past to Present: The American People, Then and Now" (pages 55–56)

Biographical examples of good character in U.S. history (people ordinary and extraordinary) (pages 50–56)

Grade 8 "Connecting with Past Learnings: Our Colonial Heritage" (page 69)

"Launching the Ship of State" (page 70)

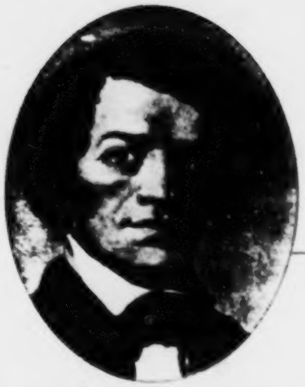
"The Divergent Paths of the American People: 1800–1850" (See "The West," pages 70–71)

"The Rise of Industrial America: 1877–1914" (pages 74–75)

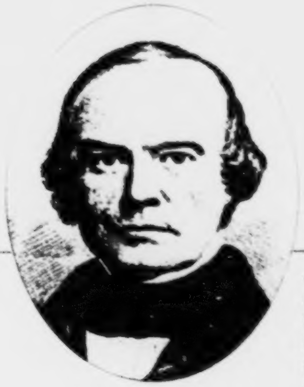
Grade 11 "Connecting with Past Learnings: The United States to 1900" (pages 93–94)

"The Progressive Era" (pages 94–95)

"World War II" (pages 96–97)



Frederick Douglass. Painting attributed to Elisha Hammond. Reproduced by permission of National Portrait Gallery, Smithsonian Institution.



Justice Benjamin Curtis (1809–1874). Albert Rosenthal, artist. Collection of the Supreme Court of the United States. Reproduced by permission. Curtis wrote the dissenting opinion in the notorious case of *Dred Scott v. Sandford.* Some historians point out that Curtis's basic premise was later embodied in Section 1 of the Fourteenth Amendment.

This theme should be reviewed in:

Grade 12 "Federalism: State and Local Government" (page 105)

"Contemporary Issues in the World Today" (page 107)

Related to this theme is the idea of the individual's acceptance of responsibility for his or her own ethical and moral behavior. Thomas Jefferson is said to have observed that it takes a "higher person" for democracy to work: that is, an individual who chooses to live by certain higher ideals. This attribute is sometimes termed "the democratic temperament" (Montesquieu deemed it "republican virtue"). Every issue in life is not a fight to the death, and the religious wars of European history provide examples of attitudes democratic peoples should strive to avoid. Self-discipline, the Golden Rule, a respect for the dignity of others, a willingness to compromise, and the exercise of moral judgement when serious disagreements exist must be cultivated in students throughout their lives if the fabric of the American character is to be preserved or repaired.

Despite erosions over time, the ideal of the American character remains discernible in American life. It is perhaps most readily examined in terms of a balance of interests. For example, when people are linked by a sense of duty to their families, neighborhoods, churches, and institutions of self-government, they can pursue more personal aims with virtue; when people recognize rules higher than "buy low, sell high," they can maintain the peace and civility necessary for profitable economic exchange; when an individual's rights are regarded as wedded to responsibilities, communities can endure.

Slavery, the Constitution, and civil rights. The term "crisis in the federal union" is an apt phrase for the era encompassing the Civil War and events that led to and followed it. The civil rights movement is a closely related struggle. A variety of readings from the eighteenth, nineteenth, and twentieth centuries are recommended. In particular, students should read from both majority and dissenting opinions

in *Dred Scott v. Sandford.* Abraham Lincoln's speech (Springfield, Illinois, 1857) in response to Justice Taney, and the Lincoln/Douglas debates. Students need to learn the reasons why concessions to slavery were made by the framers of the Constitution. The writings of Frederick Douglass and Martin Luther King Jr.'s "Letter from the Birmingham City Jail" are essential if students are to understand civil rights in relation to U.S. history and ideals. Selections from writings by John C. Calhoun and Daniel Webster broaden the study; Thomas Sowell's *Civil Rights: Rhetoric or Reality?* Gerald Early's *Lure and Loathing: Essays on Race, Identity, and the Ambivalence of Assimilation,* and *Hunger of Memory* by Richard Rodriguez (see Unit 6), enliven the study through piquant, sometimes controversial, observations that are relevant to the present day.

Related to this theme is the issue of wider suffrage. Sojourner Truth's "Address to the Ohio Women's Rights Convention" and Elizabeth Cady Stanton's "Address to the Legislature of New York on Women's Rights" are two of the salient pieces with which students and teachers should be familiar. *The American Reader: Words That Moved a Nation,* edited by Diane Ravitch (New York: HarperCollins, 1990) contains these and several other selections.

This theme should be studied in some depth in:

Grade 5	"Settling the Colonies" (pages 51–52) "The War for Independence" (pages 53–54) "Linking Past to Present: The American People, Then and Now" (pages 55–56)
Grades 6 and 7	Studies of slavery in different civilizations and the evolving status of women
Grade 8	"The Divergent Paths of the American People: 1800–1850" (See "The Northeast," pages 71–72, and "The South," pages 72–73) "Toward a More Perfect Union: 1850–1879" (pages 73–74)
Grade 11	"Connecting with Past Learnings: The United States to 1900" (pages 93–94)

"The Progressive Era" (pages 94–95)

"The Civil Rights Movement in the Postwar Era" (pages 98–100)

This theme should be deepened in:

Grade 12 "The Courts and the Governmental Process," (pages 103–104)

America's system of competitive enterprise. This may well be one of the most neglected themes in studies of American history and civics. Economics courses focus on concepts and operations yet frequently do not demonstrate the connections between free enterprise, constitutionally protected rights, social harmony, private property, and the exercise of individual liberties. All high school graduates need to have a clear understanding of how the American economy works; how a system of competitive enterprise generates wealth; and how taxation, for good or ill, affects a nation's economy, culture, and politics.

Market activity can play an important role in a multicultural society by stimulating a wide-ranging latticework of social cooperation. Through markets, diverse peoples are encouraged to come together, interact harmoniously, and learn from their diversity. Ample empirical evidence of this effect exists in history, both within and between nations. Widespread commerce in world trade from around 1200, prior to European hegemony, provides some examples; the teeming street markets of New York City in the early 1900s, another. Throughout history, numerous theorists and economists in history have commented on the social harmony resulting from markets; some of their observations provide a basis for development by teachers.

Economics and history–social science teachers are encouraged to collaborate in developing this theme for coverage in both their courses. In the American democracy course, Unit V ("Comparative World Governments, with Emphasis on Communism in the World Today") offers a strong basis for the study of this theme, since the *Framework* recommends that students compare centralized planning with the free and "mixed" economies in which greater effort usually results in greater reward for the individual; in which accumulation of capital allows for future productivity; in which prices are allowed to rise in order to reduce quantities demanded; in which consumers have some control over allocation policies affecting the trade-off between consumer goods on one hand and military, defense, and policy activities on the other; in which jobs are created through competitive enterprise; and in which small-scale entrepreneurial activities offer much promise for many young people, despite present-day obstacles and hardships. In economics classes, twelfth graders should consider the continuing dilemma of how to preserve opportunities for small businesses and entrepreneurial enterprises

The Civil Society and the Market: From The Enlightenment To the Twentieth Century

Given scarcities, diverse preferences, and unlimited wants, the potential for conflict within a pluralistic nation or among different nations is ever present. Yet the social influence of market activity is worth contemplating for its role in promoting social cooperation and in suppressing some of the malicious tendencies in human nature. As the idea of a market-based economy began to emerge from European feudalism, its moderating influence was celebrated by many influential persons: Commercial avarice could now be substituted for more disruptive passions, such as the lusts for power and conquest. Remarkably, this observation has continued to be made throughout the nineteenth and twentieth centuries.

The quotations that follow are representative of statements which have been made regarding the relationship between commercial enterprise and the maintenance of both a civil society and a less violent world.

> It is hardly possible to overrate the value, for the improvement of human beings, of things which bring them into contact with persons dissimilar to themselves, and with modes of thought and action unlike those with which they are familiar. Commerce is . . . the purpose of the far greater part of the communication which takes place between civilized nations. Such communication has always been . . . one of the primary sources of progress. To a being like man . . . it is indispensable to be perpetually comparing his own notions and customs with the experience and example of persons in different circumstances from himself: and there is no nation that does not need to borrow from others, not merely particular arts or practices, but essential points of character in which its own type is inferior. . . . It was in vain to inculcate feelings of brotherhood among mankind by moral influences alone, unless a sense of community of interest could also be established; and that sense we owe to commerce.
>
> John Stuart Mill,
> *Principles of Political Economy,* (London: 1848)

(Continued on next page)

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The Civil Society and the Market *(Continued)*

There are few ways in which a man can be more innocently employed than in getting money.

Samuel Johnson, quoted in James Boswell's
The Life of Samuel Johnson (London: 1791)

It is almost a general rule that wherever manners are gentle there is commerce; and wherever there is commerce, manners are gentle.

Baron Montesquieu (1689–1755)

Commerce tends to wear off those prejudices which maintain distinctions and animosity between nations.

William Robertson (eighteenth century)

[Commerce is] a pacific system, operating to cordialise mankind, by rendering Nations, as well as individuals, useful to each other.

Thomas Paine, *The Rights of Man* (1791)

Dangerous human proclivities can be canalized into comparatively harmless channels by the existence of opportunity for money-making and private wealth, which if they cannot be satisfied in this way, may find their outlet in cruelty, the reckless pursuit of personal power and authority, and other forms of self-aggrandizement. It is better that a man should tyrannize over his bank balance than over his fellow-citizens.

John Maynard Keynes,
The General Theory of Employment,
Interest, and Money (London: 1936)

in the face of a prevailing trend toward corporate conglomerates, taxation, governmental controls, and international free trade.

Passages from Adam Smith's *Wealth of Nations* may be used to reinforce this theme, as well as excerpts from other historical works. Students should note Smith's ardent concern with issues of morality, virtue, and good conduct, a feature which complements and extends discussions of individual responsibility during the study of federalism in Unit IV.[7] Charles Adams's lively *For Good and Evil: The Impact of Taxes on the Course of Civilization* (New York: Madison Books, 1993) may be excerpted for classroom use but is especially valuable for independent reading by teachers and interested students. Students should discuss why, in a mixed economy such as that of the United States, government regulations pertaining to small and large businesses continue to be controversial issues.

This theme should be introduced in:

Grade 5	"Life in the Young Republic" (page 54) "The New Nation's Westward Expansion" (pages 54–55) "Linking Past to Present: The American People, Then and Now" (pages 55–56)
Grade 7	"Early Modern Europe: The Age of Exploration to the Enlightenment" (pages 67–68) "Linking Past to Present" (page 68)

This theme should be studied in some depth in:

Grade 10	"Connecting with Past Learnings: The Rise of Democratic Ideas" (pages 84–85) "The Industrial Revolution" (page 85), i.e., both positive and negative effects
Grade 11	"Connecting with Past Learnings: The Nation's Beginnings" (page 93) "Connecting with Past Learnings: The United

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[7] Adam Smith is sometimes mistakenly represented as one who eschewed any form of governmental regulation. While it is true that Smith opposed government programs that he believed restricted liberty (e.g., state-conferred monopolies; apprenticeship laws denying workers opportunities to choose their occupations), Smith also made a case for a number of government programs. These included public education; public health measures against contagious diseases; safety regulations (e.g., the building of fire walls); labor regulations protecting workers from fraudulent employers; and programs providing opportunities for the less fortunate.

LIBERTY
CONSTITUTION & LAWS

States to 1900" (pages 93–94)

Grade 12 "Comparative Governments" (pages 105–107)

"Fundamental Economic Concepts" (pages 108–109)

"Comparative Economic Systems" (page 109), and other units

Preservation and renewal. Students need to examine dangers particular to democracy, i.e., what free people should try to avoid and what they must do in order to maintain liberty. History offers some grotesque examples of regimes that have espoused the obverse of democratic principles (e.g., those of Mussolini, Lenin and Stalin, Hitler, Pol Pot). Less studied is the gradual attrition within a free society itself, a condition particularly baneful since unsuspecting citizens are less likely to perceive the symptoms.

Reasons for the erosion of democratic values vary: morality decline; lack of education; the aftereffects of war or depression; decline of integrity and self-application during times of prosperity; a breakdown of the family unit; a breakdown in either the principle or system of justice; moral relativism; the emphasis on possession and material gain over community, civic, or spiritual values (a danger about which Tocqueville wrote pointedly in *Democracy in America*). The histories of Persia, Greece, Rome, and other nations point up the essential need for the willingness of individuals to live consciously by moral and ethical ideas, to participate in society, to exercise patience and self-restraint, and to dampen aggressiveness, selfishness, and the lust for power. From a lack of courage, knowledge, and know-how; from indifference to corruption and the abuse of power, a people can lose freedoms and representative government.

High school seniors can benefit from reading George Orwell's futuristic novel *1984* and selections from Tocqueville's *Democracy in America*, as well as the *Federalist Papers* (e.g., *Numbers 1, 5–10, 15, 23, 31, 37 or 55*). Passages from such works as *How Democracies Perish* by Jean-François Revel (particularly those that discuss the disinclination of democracies to look after their own survival) can be instructive for teachers and students alike.

This theme should be studied in:

Grade 5 "Linking Past to Present: The American People, Then and Now" (pages 55–56)

Grade 6	"The Foundation of Western Ideas: The Ancient Hebrews and Greeks" (pages 58–59) e.g., examples of decline "East Meets West: Rome" (pages 60–61) e.g., decline of the Roman republic
Grade 7	"Connecting with Past Learnings: The Fall of Rome" (pages 62–63)
Grade 8	"Connecting with Past Learnings: Our Colonial Heritage" (page 69) "Connecting with Past Learnings: A New Nation" (page 69) "Linking Past to Present" (page 75)
Grade 10	"Connecting with Past Learnings: The Rise of Democratic Ideas" (pages 84–85)
Grade 11	"American Society in the Postwar Era" (pages 100–101) "The United States in Recent Times" (pages 101–103)
Grade 12	"The Constitution and the Bill of Rights" (page 103) "Federalism: State and Local Government" (page 105) "Comparative Governments in the World Today" (pages 105–107) "Contemporary Issues in the World Today" (page 107)

Instructional Materials

In addition to the instructional materials highlighted in the introduction to these course models, several publications of the California Department of Education are also recommended. High school teachers are referred to *Course Models for the History–Social Science Framework, Grade 6—Ancient Civilizations* and to *Course Models for the History–Social Science Framework, Grade 7—Medieval and Early Modern Times*, since these publications suggest resources and content-appropriate instructional activities which, with slight adaptation, are useful at the high school level. Of particular benefit are:

Grade 6	"The Foundation of Western Ideas: The Ancient Hebrews and Greeks" (pages 67–117) "East Meets West: Rome" (pages 155–201)

Grade 7	"Connecting with Past Learnings: The Fall of Rome" (pages 5–10) "Medieval Societies: Europe and Japan" (pages 211–266) "Europe During the Renaissance, the Reformation, and the Scientific Revolution" (pages 267–278) "Early Modern Europe: The Age of Exploration to the Enlightenment" (pages 279–338)

In selecting topics and activities to strengthen the civic literacy strands of the curriculum, teachers of grades six through twelve should refer to *Model Curriculum Guide for History–Social Science, Kindergarten Through Grade Eight*. The array of questions and exemplars provided in the guide offer a number of ideas worth developing for use at more than one grade level. Teachers interested in obtaining copies of the guide are referred to page xiv of the Introduction for purchasing information.

"Minds and Consciences"

In nineteenth-century England, social critic and poet Samuel Taylor Coleridge (1772–1834) mused on the significance of constitutions, laws, and personal convictions:

> Ask any of our politicians what is meant by the Constitution, and it is ten to one that he will give a false explanation; as for example, that it is the body of our laws, or that it is the Bill of Rights; or perhaps, if he [has] read Thomas Paine, he may say that we do not yet possess one, and yet not an hour may have elapsed, since we heard the same individual denouncing, and possibly with good reason, this or that code of laws . . . as altogether unconstitutional; and such and such acts of Parliament as gross outrages on the Constitution . . . But a Constitution is an idea arising out of the idea of a State; and because our whole history . . . demonstrates the continued influence of such an idea, or ultimate aim, on the minds of our forefathers, in their characters and functions as public men, alike in what they resisted and in what they claimed: . . . and because the result has been a progressive, though not always a direct or equable, advance in the gradual realization of the idea . . . we speak, and have a right to speak,

> of the idea itself, as actually existing, that is, as a principle existing in the only way in which a principle can exist—in the minds and consciences of the persons whose duties it prescribes, and whose rights it determines.*

Though Coleridge made specific reference to conditions in his own time and place, his words ring true for us today. Through a study of history and the principles of American democracy, students gain a stronger understanding of the ideals which a society and its citizens should strive to maintain and toward which they should aspire. With hard work, and with thoughtful instruction and guidance from teachers, parents, and other civic-minded citizens, young people can possess in their minds and consciences the duties and rights which form our national heritage and aspirations. It is hoped that *Course Models for History–Social Science, Grade Twelve: Principles of American Democracy* helps point the way for teachers throughout California and the nation to achieve this goal.

Oh! not yet
May'st thou unbrace thy corselet,
nor lay by
Thy sword, nor yet, O Freedom!
close thy lids
In slumber; for thine enemy never
sleeps.

From "Freedom Never Sleeps,"
by William Cullen Bryant

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* From *The Constitution of the Church and State, According to the Idea of Each* (1830), in *The Complete Works of Samuel Taylor Coleridge* (Fourth edition). London: 1852, pp. 18–21.

Unit I

The Constitution and the Bill of Rights

(See page 103 of the *History–Social Science Framework.*)

Suggested Time for the Unit: 14–16 class periods

Topics in Unit I:	**Suggested Time:**
■ Philosophy of the framers of the Constitution and Bill of Rights (e.g., ideas regarding human nature and the political process), with selected readings from the *Federalist Papers*	3 class periods
■ Constitutional concepts (e.g., separation of powers, checks and balances, enumerated powers), with selected readings from the *Federalist Papers*; how the Constitution secures rights	5 class periods
■ The debate between the Federalists and Anti-Federalists, with selected readings from writings of the times	3–4 class periods
■ The Bill of Rights	3–4 class periods

Sample Topic:	**Suggested Time for the Topic:**
The debate between the Federalists and Anti-Federalists	3 class periods

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Uses and Significance of the Topic

In this unit, students apply knowledge they gained from their studies of U.S. and world history in grades five through eleven and pursue a deeper understanding of American government.

> Students need to understand the central dilemma that confronts all societies and the basic principles that guide the democratic resolution of that dilemma: how to endow civil government with enough power to govern efficiently and yet to limit that power to protect against the tyranny of government and its infringement on the property and liberty of individual citizens. Students need to understand how the Founding Fathers of this nation struggled with these issues and, writing in the context of the American Enlightenment and their religious traditions, framed a Constitution of principles that created a democratic form of government; instituted the rule of law over rulers and the ruled alike; and conferred the basic guarantees of a free society. . . . (*History–Social Science Framework*, page 21)

THE
CONSTITUTION

The U.S. Constitution, with its Bill of Rights, has become a model for the emerging democracies of the contemporary world following the collapse of monolithic communism. U.S. constitutional scholars have been invited to assist in framing new government charters in Eastern Europe. People throughout the world are taking a closer look at the origins and historical development of the unique federalism that is embodied in our evolutionary democracy. As civic educator John Patrick has observed, "Democracy does not always foster personal freedom and individual rights; our Constitution is designed to limit the power of the democratic majority to protect personal freedom and other individual rights."[1] Freedom from the "tyranny of the majority" is one of the key distinguishing features of American constitutional democracy. An essential learning for students is that liberty and security are guaranteed by the structures of the federalist system and by the character of the people; this facet of the course should be introduced in Unit I and developed more thoroughly during Unit IV.

A study of the philosophical foundation of our system is essential to understanding the structure and function of government. The *Federalist Papers*, written to persuade skeptical citizens of the efficacy of constitutional principles, became the cornerstone of the debate over the ratification of the U.S. Constitution. For today's students, the papers provide a window through which to study the origins of American government. The 85 papers, or essays, explore the philosophy behind separation of powers, checks and balances, and enumerated and reserved powers. In their explanations of constitutional principles and refutations of the arguments of those opposed to ratification, these persuasive papers reveal the astute political acumen of the framers.

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[1] John Patrick, in a letter, dated October 26, 1993, to the History–Social Science Office, California Department of Education, Sacramento, California.

The *Federalist Papers* are essential primary sources in the study of the development of the American political system because they help students see that ideas taken for granted today had to withstand close scrutiny. These classic essays also are masterpieces of political science that continue to educate Americans about their cherished principles. Although the sample topic illustrates the use of essays relating to debates over the separation of powers, other essays or passages from them may support the study of other topics in this unit and throughout the twelfth grade course in American government. (The chart in Figure I-1 on page 24 lists further readings pertinent to constitutional concepts and provisos.)

The reading of Catherine Drinker Bowen's *Miracle at Philadelphia* may be an ongoing activity throughout the course. Portions of selected class periods may be devoted to discussions of the book; entire class periods, scheduled periodically throughout the semester, may be devoted to Socratic seminars and other strategies. The book also provides numerous opportunities for varied homework assignments, including the keeping of different types of journals. (Appendix I-2 briefly describes a number of journal options that may be coordinated with the study of Bowen's book.) Teachers seeking books for readers of lower ability may consider Henry Steele Commager's *The Great Constitution: A Book for Young Americans*. (See entries for both books in "General Resources.")

It is suggested that teachers organize the reading in a variety of ways, alternating sessions in which they read aloud[2] with study-group assignments, whole-group assignments, and independent-reading assignments. Because of this variety, students are inclined to be more attentive to their reading than they would be if they did all the reading

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[2] Although high school students sometimes disdain being read to, reading aloud to students is a practice encouraged from kindergarten through university. Researchers and teachers attest to its benefits in developing students' listening and verbal skills, their powers of concentration, and their understanding of writings from different periods. By alternating their reading of selected passages with students' discussion and response, some teachers believe they better enable students to "get into" certain works more quickly. Reading aloud can be scheduled so that it does not detract from assignments requiring independent reading. Teachers who feel uncomfortable reading aloud may assign passages to individual students for reading aloud; in such instances, students should be assigned passages well in advance.

independently. Teachers may also read aloud some chapters or passages and assign others.

Note: Throughout the course, teachers should create opportunities to reinforce the idea of constitutionalism as opposed to that of democracy alone. To assist teachers in planning, John Patrick's essay "Constitutionalism in Education for Democracy: The Continuing Relevance of Arguments on Constitutional Government of the American Founding Era" is provided as Appendix I-5 to this unit. The essay is recommended not only for teachers' independent reading but also for collegial or departmental reading circles and for staff development sessions.

Presentation and Activities

A

Beginning the Topic

The sample topic centers on the issue of the separation of powers. Teachers should also feel free to explore other issues that highlight the clash of political philosophies expressed in the Federalist and Anti-Federalist papers.

The topic is introduced by a reading of the Articles of Confederation (see "Resources for the Sample Topic," *Documents of American History, Volume 1,* pages 111–116, or *Annals of America, Volume 2,* pages 555–560). How democratic was this system? Did it provide sufficient protection for individual rights and liberties? Was it an effective system of government in 1789? How effective would it be today? Students brainstorm responses to these questions.

In pairs, students discuss James Madison's famous remark in *Federalist Paper Number 51,* "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary" (see the transparency master in Appendix I-1). What is Madison saying? What characteristics of human nature prompted Madison to make this statement? What are the external and internal controls on government under the Articles of Confederation? What controls were imposed by the Constitution? How effective were these controls? By imposing controls on government, did the Founding Fathers limit or extend individual rights? Each pair of students shares responses with another pair, after which comments are shared with the entire class. Throughout the discussion, students keep notes for later study.

B

Developing the Topic

1. The next day, the class is divided into three groups. One group reads from *Federalist Paper Number 47*; another from *Number 48*; and the third group from *Number 51*. Each group discusses the points presented in the assigned essay. What is Madison's logic? How sound are his arguments? Employing the jigsaw method, students leave their "home groups" and reassemble in new groups of three persons each, consisting of one representative from each of the three original home groups.[3] Students explain to their new group mates the arguments Madison presented in each of the three essays. Following the discussion, the entire class devises a chart that illustrates the separation of powers and the system of checks and balances set forth in the Constitution. Using the idea of separation of powers as a point of reference, students contrast the Constitution with the Articles of Confederation. The National Center for America's Founding Documents produces a series titled *The Annotated Federalist*. Eight of the essays are printed with marginal explanations and clarifications. For information on purchasing the series, which includes *Numbers 47* and *51*, see the Tigner listing in the "Resources for the Sample Topic." The University Press of New England issues a paperback edition of *The Federalist*, edited by Jacob E. Cooke. First issued hardbound by Wesleyan University Press, Cooke's edition is considered to be one of the best scholarly editions. Clinton Rossiter's paperback edition contains the text of the Constitution, cross-referenced to the relevant passages in the *Federalist Papers*; this feature makes the book especially useful for students. (See the listing under *Federalist Papers* in "Resources for the Sample Topic.")

James Madison Jr

2. The class reassembles into the three original groups. Each group reads *Centinel Letter 1* from the *Antifederalist Papers* and discusses the arguments presented in this reading. What are the essential points in Samuel Bryan's *Centinel*

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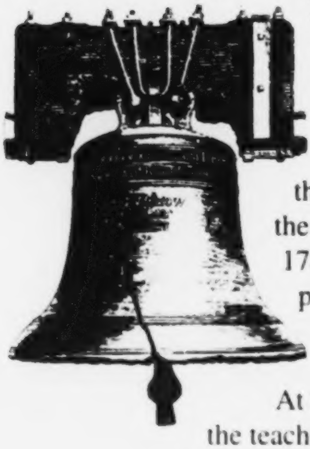
[3] The reassembly from large to small groups is easily facilitated if each of the large groups is assigned a color and each member of the group receives a swatch of construction paper in the group's color. When students form the small groups, they are able to more quickly find and join classmates who hold swatches of different colors.

Letter 1? (See *The Essential Anti-Federalist* in "Resources for the Sample Topic.")



Students participate in a Socratic seminar based on the readings studied so far. How reasonable are the arguments presented by each side? Does Madison or Bryan propose the more reasonable plan to limit government? During the discussion, have students refer to specific passages in the readings. What were the pressing issues of 1787? Are the arguments presented by Madison and Bryan relevant in contemporary society? At the end of the session, the teacher poses a final question: Why is it important for American students to know about these debates or about the *Federalist Papers*?

The Socratic seminar is a valuable teaching strategy that helps all students understand the importance of participating in discussions. Although teachers need to take into account students' verbal abilities and personal natures, the Socratic seminars are used successfully in many schools.

In a Socratic seminar, students are asked throughout the discussion to clarify or restate their views, to amplify their points, and to paraphrase other students' responses (e.g., "Paul, what did you understand Kristin to say?"). Students respond to the seminar's opening question and support their statements by citing passages from the documents discussed. Students' statements such as "I agree with Rosa, but would like to add . . . ", "I disagree with Ben because . . .", or "I'm confused by something Kate said. Kate, could you explain what you meant about . . . ?" are valued in Socratic seminars and should be fostered by both the teacher and class members. In a debriefing session, students are given a chance to reflect on what they have learned. What do you understand about the documents or debates that you didn't understand before? If you changed your mind during the discussion, what persuaded you? The debriefing session concludes the seminar.

The Socratic seminar should be part of every teacher's professional repertoire. The strategy should have been introduced and practiced in elementary grades, but if it is new to students, teachers will need to introduce its rationale and ground rules. For information regarding in-ser-

Delaware
Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom
James McHenry

vice training, contact H. Dennis Gray of San Diego, at (619) 226-0956, who conducts training in Socratic seminars.

Note: As an alternative to the above lesson on the Federalist and Anti-Federalist positions, lessons 17 and 18 from the Center for Civic Education's *We the People* . . . are recommended (see "Resources for the Sample Topic"). The related teacher's guide provides complete lesson plans and suggests optional activities, including a mock congressional hearing. The hearing can serve as an assessment of group performance.

Students research other issues that separated Federalists from Anti-Federalists, such as the office and powers of the executive branch; representation; the federal judiciary; and certainly the omission or inclusion of a Bill of Rights in the federal Constitution. For each issue, they present a "point—counterpoint" format or debate specific issues of philosophical disagreement.

C

Culminating the Topic

Students are presented with excerpts from the state constitutions of Pennsylvania and Massachusetts (see appendixes I-3 and I-4). How do the two constitutions differ with regard to the separation of powers? Which of the two is likely to provide the greater protection for individual rights? Explain your position. Make references to specific sections of the constitutions. What problems might these constitutions encounter in twentieth-century society?

Note: At this point, in preparation for the research project that culminates in Unit VI, teachers may have students select topics for their analysis papers. If preferred, the selection may be delayed until Unit IV, when students may choose from the local issues they have researched. (See the alternative activity described in Unit IV in "Culminating the Topic.") Teachers may initiate the research project when they think best, but this feature of the course does require long-term planning.

Extended and Correlated Activities

Students may develop their own "broadsides" to persuasively support either the Federalist or the Anti-Federalist point of view. Common in the seventeenth century, broadsides were large sheets of paper with

Figure I-1

Readings on the Federalist/Anti-Federalist Debates

Suggested sources:

The Federalist Papers, edited by Clinton Rossiter
What the Anti-Federalists Were For, edited by Herbert J. Storing (S)
Federalist and Antifederalists: The Debate Over the Ratification of the Constitution, edited by John P. Kaminski and Richard Leffler (KL)

Readings may be excerpted by teachers as appropriate.

Topic	Federalist Papers	Anti-Federalist Writings
Viewpoints on human nature	*Nos. 1, 5–10, 15, 23, 31, 37, 55*	Centinel, *Letter I*, (S) Brutus, *Essay I*, (S) The Federal Farmer, (S)
Separation of powers	*Nos. 9, 47–51*	Centinel, *Letter I*, (S)
Representative government	*Nos. 9, 10, 14, 35, 36, 39, 43, 57*	Brutus *XI–XV*, (S) Cato *III*, (KL)
Checks and balances	*Nos. 9, 47–51, 66, 71, 73–81*	Brutus *V–X*, (S)
Enumerated and reserved powers	*Nos. 48–51*	
Limitations on terms of office	*Nos. 47, 53–54*	
Federalism	*Nos. 15–22*	Centinel, *Letters III and IV*, (S)
House of Representatives	*Nos. 35, 52, 53, 55, 56*	Luther Martin, 1 January 1788, (KL) George Martin, 4 June 1788, (KL) Patrick Henry, 5 June 1788, (KL)
Senate	*No. 62*	Federal Farmer, (S or KL) Cincinnatus *IV*, (KL) Luther Martin, 8 January 1788, (KL)
Presidency	*Nos. 67, 69, 73, 74*	An Old Whig *V*, (KL) Luther Martin, 29 January 1788, (KL)
Judiciary	*Nos. 78, 80, 81*	Brutus *XI*, (KL) Brutus *XV*, (S) Federal Farmer, (S or KL) Centinel *II*, (S or KL) An Old Whig *III*, (KL) Samuel Bryan, 18 December 1787, (KL)
Bill of Rights	*Nos. 84, 85*	Centinel, *Letter II*, (KL) Brutus, *Essay II*, (KL) R. Henry Lee, 16 October 1787, (KL) An Old Whig *IV*, (KL) John Smilie, 28 November 1787, (KL) Robert Whitehill, 28 November 1787,

Source: This chart was developed from suggestions of David Vigilante, principal writer for this unit, and Dr. Scott Stripling of the National Center for America's Founding Documents, Boston, Massachusetts.

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James Madison. Courtesy of the Architect of the Capitol.

Alexander Hamilton. Reproduced. by permission, from the collections of the Library of Congress.

John Jay. Reproduced, by permission, from the collections of the Library of Congress.

printed copy on one side. Their subjects varied: Some conveyed political messages (often with an illustration or advertisements); others, popular ballads that were sung in taverns or at public gatherings.

Composing broadsides gives students opportunities to creatively apply what they have learned. Students who lack musical ability but have literary talent, for example, may write the words of a ballad to be sung to the melody of an old folk tune or popular song (e.g., "Let's Vote to Ratify It Now" to the tune of "There Is a Tavern in the Town"), with key phrases or arguments drawn from the primary sources studied.

Students should examine the historical background and constitutional ramifications of issues involving slavery, gender, and religion. Appendix I-6 features an essay by scholar Robert Goldwin dealing with what he describes as "unspoken principles" in the U.S. Constitution. Goldwin helps present-day readers overcome what one journalist has described as "the bad American habit of patronizing the past." The essay is recommended for teachers and serious students.

Teachers may use the essay as supplementary reading, assigning portions over a series of several days. If portions are assigned as homework, students meet in small groups the following day to discuss appropriate questions. For example: What was the three-fifths compromise, and should it have been agreed to by the Founders? How can a constitution help make citizens more mindful of such principles as justice and responsibility? What is the significance of unmentioned topics in the Constitution? Groups report to the whole class, and the teacher records comments on the chalkboard or on an overhead transparency. The teacher questions students for clarification or further discussion, in the manner of a Socratic seminar. What source materials, specific or generic, aid scholars in better understanding the framers' intentions?

After each reading and discussion, students keep a reflective journal, recording what they have learned; listing questions they still have and possible sources for answers to those questions; and summarizing their

Pensylvania
B Franklin
Thomas Mifflin
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Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

responses to the reading (e.g., how it relates to them personally, how it relates to citizens' lives, and how their understanding differs from or is similar to popular conceptions regarding the Constitution).

Students should understand that the way some leaders and writers today use the term *rights* is significantly different from the way the Founders used it. Whereas the Declaration of Independence, the Constitution and its Bill of Rights, and the framers' own writings delineate or imply the concept of fundamental rights, today's "rights explosion" raises new controversies, such as animal rights, abortion rights, gay rights, and the right to die.

After gaining a fundamental grasp of the historical, constitutional concept of rights, students may discuss these new, controversial "rights." Are rights such as these protected by the framers' Constitution? Or have we begun to think about rights in a radically different way?

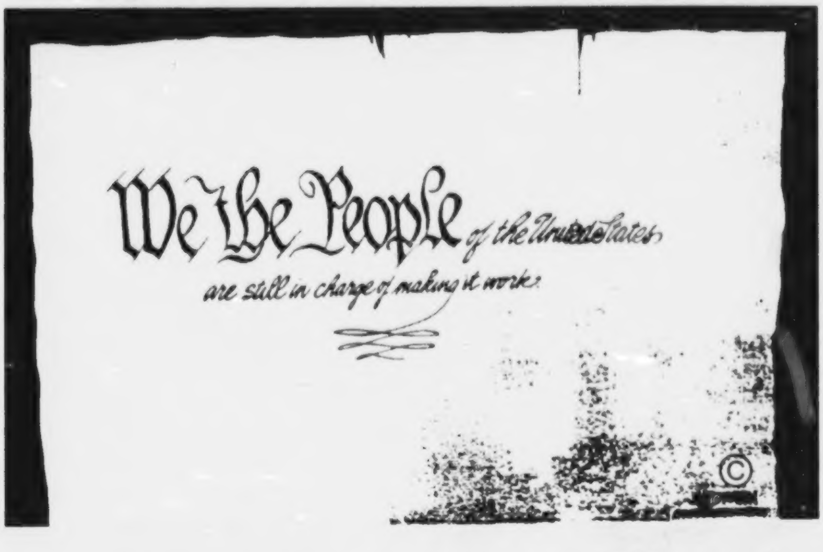
Teachers and serious students are encouraged to read essays representing various perspectives on this issue. See the collections *The Framers and Fundamental Rights* and *Old Rights and New*, both edited by Robert A. Licht, listed by title in the "Resources on the Bill of Rights."

Taking good notes is an essential skill that can be strengthened in several ways. When students view a videotape such as *George Mason and the Bill of Rights* (see "Resources on the Bill of Rights"), the teacher prepares an outline of the portion to be viewed; students fill in the outline with details as they hear or see them. (The teacher reviews the outline with the class prior to showing the videotape.) This strategy is effective with many Chapter 1 and migrant education students, some of whom may complete the outline in their primary languages.

Evaluate the New Federalism of the Reagan Administration or the Supreme Court's decision in the Webster case. Do these reflect Anti-Federalist arguments? Or, do they reflect more closely Madison's views as expressed in the *Federalist Papers?* Students should be wary of oversimplification; they need to take into account the expanded powers of the federal government since 1800, ramifications of the Ninth Amendment, and other factors when making judgments.

Teachers and serious students may refer to the essays in *How Federal Is the Constitution?* for in-depth discussions of the issues related to federalism and current controversies (see "Resources for the Sample Topic").

Students may be assigned to search newspapers and magazines for articles on current issues relating to the Constitution and the Bill of Rights. In some cases, this activity will demonstrate the abiding influence and continuing development of these founding documents; in others, entire articles can serve as text material on topics studied in this unit. Since some newspapers and magazines are available in several languages, this strategy is adaptable to work with Chapter 1 and migrant education students.


We the People of the United States
are still in charge of making it work.
©

We the People . . . cartoon, by Jim Borgman. Reprinted with special permission of King Features Syndicate.

Resources

The following resources represent only a few of the many possible materials and sources that are available. Double asterisks (**) indicate works that are essential for full coverage of the unit; single asterisks (*) indicate works that are deemed important for successful coverage of the unit. For further selections, teachers should consult other bibliographies, such as *Literature for History–Social Science, Kindergarten Through Grade Eight* (Sacramento: California Department of Education, 1991).

Resources for the Sample Topic

In addition to the materials listed below, teachers also are referred to the California Department of Education's publication *Blessings of Liberty: Constitutional Teachers' Institute Final Report* (item number 0689). Appendix B of that publication provides an annotated list of instructional resources that participating teachers found to be of particular value in teaching about the U.S. Constitution and the Bill of Rights. Copies of *Blessings of Liberty* can be ordered from the California Department of Education's Bureau of Publications, Sales Office, at (916) 445-1260.

Ackerman, Bruce. *We the People: Foundations*. Cambridge, Mass.: The Belknap Press, 1991. In this first of a three-volume series on the Constitution, the author examines the scope of American constitutional history, from the argument of the *Federalist Papers* to recent judicial decisions.

Annals of America, Volume 2: 1755–1738. Chicago: Encyclopaedia Britannica, 1976. The 21 volumes in this invaluable series are often found in high school libraries. The Articles of Confederation, reprinted in Volume 2, is suggested for reading in "Beginning the Topic."

**Center for Civic Education. *We the People . . .* Calabasas, Calif.: Center for Civic Education, 1987. This excellent program is intended as a complete study of the United States Constitution for high school students. The material is divided into six units, each with a central focus on the Constitution and the responsibilities of citizens. Lessons deal with the historical development and current applications of the Constitution. A teachers' guide outlines objectives and offers practical teaching strategies. When ordering, teachers should request the high school version. For purchasing information, telephone the publisher at (818) 591-9321.

Council for Citizenship Education, Russell Sage College, Troy, NY 12180, (518) 270-2363. Distinguished scholars and teachers have developed reasonably priced teaching material of high quality for the council. Stephen L. Schechter's "Guide to *The Federalist*" is an indis-

North Carolina { Wm Blount
Richd Dobbs Spaight.
Hu Williamson

pensable pamphlet that guides readers through the historical context of the famous essays. While some materials pertain to New York State only, others are applicable to this course.

The Debate on the Constitution. Edited by Bernard Bailyn. LIBRARY OF AMERICA series. New York: Viking Press, distributor, 1993. This is a two-volume set of Federalist and Anti-Federalist speeches, articles, and letters written during the struggle over ratification. A general index allows readers to follow specific topics, and an appendix includes full texts of the Declaration of Independence, the Articles of Confederation, and the Constitution, with all amendments. This two-volume, boxed set is suggested for teachers and libraries.

Documents of American History. In two volumes. Edited by Henry Steele Commager and Milton Cantor. New York: Prentice-Hall, 1988. Volume 1 of this useful compendium contains the Articles of Confederation, recommended in "Beginning the Topic."

**Empire of Reason: New York State's Ratification of the Constitution.* The Law, Youth, and Citizenship Project of the New York State Bar Association, 1988. This videotape program is recommended for its presentation of the Federalist and Anti-Federalist debates in New York State. Teachers attest to the program's authenticity and engaging quality in depicting the opposing arguments. For purchasing information, contact the Project at 1 Elk Street, Albany, NY 12207, (518) 474-1460.

**The Essential Antifederalist.* Edited by W. B. Allen and Gordon Lloyd. Lanham, Md.: University Press of America, 1985. Now available in paperback, this volume of essays is an accessible collection of Anti-Federalist thought. Writings by George Mason, Richard Henry Lee, and Patrick Henry, as well as the Cato and Brutus essays, are included. *Centinel Letter I,* used in the sample topic, also appears in this volume.

The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. Edited by Francis N. Thorpe. Grosse Pointe, Mich.: Scholarly Press, 1968. The 1780 Massachusetts constitution is published in Volume III, and the original Pennsylvania constitution appears in Volume V. These volumes are republications of a House of Representatives document (fifty-ninth Congress, second session) originally published by the Government Printing Office in 1909. Excerpts of both constitutions are included in the appendixes to this unit; however, students may be referred to the complete text for further study. The volumes are available at college or university libraries.

***Federalist Papers.* Various editions and dates. This is the classic collection of the essays that Alexander Hamilton, James Madison, and John Jay wrote promoting the ratification of the Constitution. Although the essays can be difficult reading, students should become familiar with them. In Clinton Rossiter's edition (New American Library, 1961), the preface briefly describes each of the 85 essays and cross-references passages in the essays to passages in the Constitu-

South Carolina
J. Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

tion. Also available in paperback is Jacob E. Cooke's version, titled *The Federalist* (Wesleyan University Press, 1961), perhaps the most definitive and scholarly edition available, since its references and clear, easy-to-read format lend themselves to in-depth study.

**Federalists and Antifederalists: The Debate Over the Ratification of the Constitution.* Edited by John P. Kaminski and Richard Leffler. Madison, Wis.: Madison House, 1989. This is the first volume in the *Constitutional Heritage* series published by Madison House. The work includes selections from Federalists and Anti-Federalists in the debate over ratification. This is a scholarly text recommended for teachers.

**How Federal Is the Constitution?* Edited by Robert A. Goldwin and William A. Schambra. Washington, D.C.: The AEI (American Enterprize Institute) Press, 1987. Each of seven distinguished constitutional scholars contributes an essay in response to the title's question. Their agreements and disagreements are enlightening. The question is a pivotal one, for as Woodrow Wilson once observed, "At every turn of our national development, we have been brought face to face with it, and no definition either of statesmen or of judges has ever quieted or decided it." The essays are invaluable for this unit because they draw from the historical debates over the Constitution's ratification. For purchasing information, contact the publisher at (800) 269-6267.

*McDonald, Forrest. *E Pluribus Unum: The Formation of the American Republic, 1776–1790.* Indianapolis, Ind.: Liberty Press, 1979. First published by Houghton Mifflin in 1965, this second edition is an engrossing, informative portrayal of the debates and critical moments leading up to the formation of the new nation. Scholarly yet entertaining, this book is suggested for teachers' background reading.

Mee, Charles L., Jr. "Ratified: A Constitution Subject to Change," *Constitution*, Vol. 1 (fall 1988), pp. 38–44. This article deals with the opposition of John Hancock and Patrick Henry to ratification of the Constitution. The article offers good insights into the ideological struggles over the ratification process.

**Patrick, John. *James Madison and the Federalist Papers.* Washington, D.C.: National Trust for Historic Preservation, 1990. The text is a collection of 12 lessons, developed by teachers, on issues related to the *Federalist Papers.* Each lesson suggests teaching strategies and student readings. The materials constitute a pool of teaching resources based on classic American writings on political ideas. Copies are obtainable from the Social Studies Development Center, Indiana University, 2805 East Tenth Street, Bloomington, IN 47405, (812) 855-3838.

**Patrick, John J., and Richard C. Remy. *Lessons on the Constitution.* Boulder, Colo.: Social Science Education Consortium, 1986. This is an excellent teachers' resource on the Constitution. Available from social studies supply houses, this book includes lessons on several of the Federalist papers, on the origins and purposes of the Constitution, on the interpretation of the Constitution, and on landmark court cases. See the preceding annotation for purchasing information.

Peltason, J. W. *Corwin & Peltason's Understanding the Constitution.* New York: Holt, Rinehart and Winston, 1985. This is an exceptionally good resource dealing with issues related to the interpretation and application of constitutional law. The text presents a historical perspective on the Declaration of Independence, the Articles of Confederation, and the concept of federalism and makes a thorough study of the Constitution. Peltason examines each phrase of the Constitution and of its amendments and refers to contemporary issues affecting the document.

**The People Shall Judge: Readings in the Formation of American Policy.* In two volumes. Edited by College of the Social Sciences One Staff. Chicago: University of Chicago Press, 1979 reprint of 1949 edition. Though currently out of print, this two-volume collection of primary sources is obtainable through university and public libraries. Volume 1, Part 1, is germane to the study of the debates between the Federalists and Anti-Federalists.

Rutland, Robert A. *Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787–1788.* Boston: Northeastern University Press, 1983. This book traces the history of the controversy over the ratification of the Constitution.

**Tigner, Steven S., *The Annotated Federalist.* Boston: National Center for America's Founding Documents. This is a useful resource for both teachers and students. The series includes papers number 1, 10, 39, 47, 51, 78, and 84. In a two-column presentation, the original essay appears on the left and explanation and commentary on the right. Introductory material and review questions are included for each of the essays. For purchasing information, contact the publisher, Boston University, School of Education, 605 Commonwealth Avenue, Boston, MA 02215, (617) 353-6278.

***What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution.* Vol. I of *The Complete Anti-Federalist.* Edited by Herbert J. Storing and Murray Dry. Chicago: University of Chicago Press, 1981. Available in paperback, this collection is an important source of writings for studying the debates over the Constitution. See also *The Anti-Federalists: Writings by the Opponents of the Constitution* (University of Chicago Press, 1985), an abridgment of *The Complete Anti-Federalist.*

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Willson, John. *Essays on the Major Documents of the American Founding.* *We the People* series: Hillsdale, Mich.: Hillsdale College, 1992. This ongoing series consists of correlated teachers' guides, primary source readings, and background essays. The first volume in the series, *John Dickinson: The Letters of Fabius,* is useful for a study of the Federalist viewpoint. The brief reading selections can be studied in a 50-minute class period, and the teachers' guide identities key points that may be used when the background essay is read by students. Forthcoming in the series are materials examining the New

New Jersey
Wil Livingston
David Brearley
Wm Paterson
Jona Dayton

England town meeting. For purchasing information, contact the college press at (800) 437-2268.

General Resources

American Political Science Association and American Historical Association. *This Constitution: Our Enduring Legacy*. Washington, D.C.: Congressional Quarterly, 1988. This collection of 21 essays by eminent scholars in history, government, and law examines the underlying political philosophy of the Constitution and the evolution of the three branches of government. Also discussed are several contests between the president and Congress, including those over war powers. This is an excellent collection of readings for students.

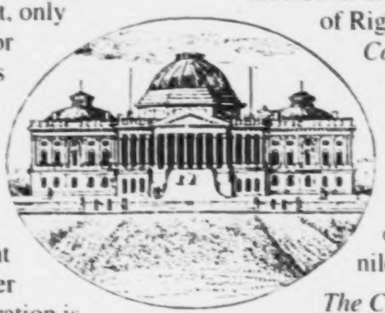
Ayars, James. *We Hold These Truths: From the Magna Carta to the Bill of Rights*. New York: Viking, 1977. This brief history of the ideas of liberty and equality contains sketches of the lives of Stephen Langton, John Lilburne, and George Mason—men who contributed to the development and preservation of these ideas. Stephen Langton, Archbishop of Canterbury, was part of the opposition to King John that effected the establishment of the Magna Carta. John Lilburne, leader of the Levelers during the English Civil War, was a proponent of republicanism and democratic ideals who championed the rights of the common man. George Mason authored the Virginia Declaration of Rights, which foreshadowed the Declaration of Independence and the United States Bill of Rights. Out of print, the book is available through public libraries.

Bailyn, Bernard. *Ideological Origins of the American Revolution*. Cambridge, Mass.: Harvard University Press, 1967. This modern classic is a study of the political thinking that led Americans to declare independence from Great Britain

Bernstein, Vivian. *American Government: Freedom, Rights, Responsibilities*. Austin, Tex.: Steck-Vaughn, 1992. The author, who has been a teacher in the New York City public school system for a number of years, drew on her experience to develop a concise paperbound textbook that is geared to students of lower abilities. Traditional topics on American government are briefly presented but can be presented more fully with additional materials. An accompanying teacher's guide is also available.

**Bowen, Catherine Drinker. *Miracle at Philadelphia*. Boston: Little, Brown, 1966, republished 1986 (available in paperback). Widely acclaimed as the fairest, most engaging account of the fateful Philadelphia convention, this classic historical work deserves study by high school seniors. Teachers may assign excerpts or chapters to students. Some passages are appropriate for reading aloud by LEP students or low-ability readers.

Bradford, M. E. *A Better Guide Than Reason: Federalists and Anti-Federalists*. New Brunswick, N.J.: Transaction Publications (Rutgers—The State University), 1994. In this seminal and provocative volume, M. E. Bradford defines the Old Whig political tradition in American thought, showing that the prescriptive Anti-Federalist still lives. For Bradford, important elements from the American Revolution have been systematically hidden from our view by anachronistic and partisan scholarship. He believes that the more ideological components have been emphasized at the expense of the rest. His book is unique in its unusual focus on the Declaration of Independence. Bradford asserts that neither equality of condition nor full equality of individual rights for every citizen is foreseen by that document, only *constitutional* equality. For this reason, many scholars have seen a contradiction between the Declaration of 1776 and the Constitution of 1787. Bradford believes that the American Revolution was fought against concentrated power and asserts that the Declaration is violated whenever such powers are granted in its name.



***Civitas: A Framework for Civic Education*. Calabasas, Calif.: Center for Civic Education, 1991. *Civitas* is a major conceptual framework for the development of a course of study in government. This lengthy one-volume reference links essential concepts and knowledge to specific objectives and suggests teaching strategies. This is an exceptional, comprehensive reference for teachers; in some cases, students could use the book as a reference. For purchasing information, telephone (800) 683-0812.

**Commager, Henry Steele. *The Great Constitution: A Book for Young Americans*. Philadelphia: Eastern Acorn Press, 1982. For teachers seeking a book for low-ability readers, this is a satisfactory substitute for Bowen's *Miracle at Philadelphia*. Straightforward in its presentation, it successfully conveys salient background and issues relating to the Constitution.

The Constitution, 1787–1987 series. Franklin Watts, 1986. This series of books examines the U.S. Constitution, the individuals who were present at its creation, and some of the issues addressed in the Constitution and the Bill of Rights. Titles include *This Constitution*, *States Rights*, *James Madison*, *Your Right to Privacy*, and *Benjamin Franklin*, among others. Although the series is not geared to adult readers, it is by no means juvenile in presentation.

The Constitution in the Classroom: A Catalog of Teacher Resource Materials. Philadelphia, Pa.: The National Constitution Center, 1993. The National Constitution Center was created in 1986 as a permanent legacy of the Constitutional Bicentennial and was chartered by Congress in 1988. This 32-page listing of teaching materials notes, for each entry, the content, format, author, suggested grade levels, cost, and purchasing information. The publisher offers copies free to teachers as long as the supply lasts. Contact the Center at (215) 923-0004.

The Constitution of the United States and the Declaration of Independence. Washington, D.C.: Commission on the Bicentennial of the United States Constitution, 1986. Class sets of this small pocket-size book, which contain the text of the documents named in its title, would be very useful for students. Telephone (202) USA-1787 for ordering information. See also the Wolfe entry in this section for a handbook that presents the same documents in larger typeface and format.

The Constitution of the United States of America. Inscribed and illustrated by Sam Fink, with a foreword by James Michener. New York: Random House, 1985. This coffee-table book contains the complete text of the Constitution, including the Bill of Rights, with the significance of each section enhanced by imaginative drawings and sketches.

Janda, Kenneth; Jeffrey M. Berry; and Jerry Goldman. *The Challenge of Democracy: Government in Action* (Third edition). Boston: Houghton Mifflin, 1993. Although developed as a college textbook, this clear and insightful presentation of American democracy is appropriate for high school students. Charts, diagrams, and tables present data in an interesting way. The book could easily be used throughout the course, either as a teachers' reference or as a textbook for more advanced classes.

Levy, Leonard. *Seasoned Judgments: Constitutional Rights and American History.* New Brunswick, N.J: Transaction Publishers (Rutgers—The State University), 1994. Leonard Levy's new book is a compendium of his law review articles, book chapters, and shorter writings on themes of constitutional history. Readers gain a clear sense of the author's profound understanding of the major issues that have confronted American law from the founding of the republic to the present. His analysis of such still-unresolved issues as flag desecration, the exclusionary rule, testimonial compulsion, taxation without representation, and the nature of the Constitution itself will appeal to teachers. As one critic observed, "For anyone who thinks that liberal analysis has grown soft and flabby, a good dose of Levy's book should set the record straight."

Long, Hamilton A. *The American Ideal of 1776: The Twelve Basic American Principles.* Philadelphia, Pa.: Your Heritage Books, 1976. Currently available in a special reprint edition, the book is replete with invaluable quotations and primary sources. A number of noted scholars and jurists have endorsed this reference, which is patriotic and informed yet populist in appeal. Both teachers and students will find it useful. Copies are obtainable from the Telefact Foundation, P.O. Box 1853, Sacramento, CA 95812.

Lurie, Jonathan. *The Constitution and Economic Change.* Washington, D.C.: American Historical Association (AHA), 1988. In this concise overview, the author analyzes key economic policies that have shaped American economic trends for over two centuries. He also explores the unwritten assumptions that governed the framing of the Constitution's provisions for the new

New Hampshire { John Langdon
Nicholas Gilman

nation's economic structure. This essay is one of a series of eight on the U.S. Constitution available from the AHA.

*McDonald, Forrest. *Novus Ordo Seclorum: The Intellectual Origins of the Constitution*. Lawrence: University of Kansas Press, 1985. This is a thorough study of the philosophy behind the Constitution and the political interests of the framers. A scholarly work, it is recommended for teachers and for serious students with a specific interest in the topic. McDonald has been one of the most influential historians to write of the founding era. See also his ***Requiem: Variations on Eighteenth-Century Themes*** (University Press of Kansas), an engrossing set of essays on Hamilton, Washington, Jefferson, Dickinson, and others, written in collaboration with Ellen Shapiro McDonald.

Morgan, Edmund S. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York: Norton, 1988. This provocative text examines what the author calls "the myth of popular control." Morgan argues that some of the "self-evident truths" of the American system and its British antecedents are illusory.

Padover, Saul K. *The Living U.S. Constitution*. New York: New American Library, 1983. This excellent reference contains good background information on the writing of the Constitution and provides an analysis of each part of the document. The work includes comments by political figures and quotations from landmark court cases.

**Roots of the Republic: American Founding Documents Interpreted*. Edited by Stephen L. Schechter. Madison, Wis.: Madison House, 1990. The plan for this book—a collection of founding documents designed for classroom use—was conceived at a teachers' institute held in 1984. Schechter, along with contributing editors Donald S. Lutz and Richard B. Bernstein, presents a range of important documents, including the Mayflower Compact, the Declaration of Independence, state constitutions, the Articles of Confederation, and the Bill of Rights. Each document is preceded by a concise, scholarly, yet easy-to-understand commentary. Schechter's introduction is especially valuable—he explains why the founding documents should be read, how to read them, and why the documents he has selected are of particular value. The entire book is a valuable classroom resource. For purchasing information, contact the publisher at P.O. Box 3100, Madison, WI 53704-0100.

*West, Thomas G. "Was the American Founding Unjust? The Case of Women." *Principles: A Quarterly Review for Teachers of History and Social Science* (winter 1993). Claremont, Calif.: The Claremont Institute, 1993. West, a professor of politics at the University of Dallas, discusses at length the historical and social backdrop of the Declaration of Independence and the U.S. Constitution. Were these documents hostile to women's rights? Were the Founders the bigots some writers make them out to be? Drawing extensively from primary source documents, West demonstrates that these questions do not tolerate simplistic answers. He provides a valuable portrait of the Founders' attitudes and a

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discussion of the changing colonial attitudes toward family during the 1770s. Contemporary historians and psychologists such as Marylynn Salmon, Linda K. Kerber, and Eleanor E. Maccoby support several of West's key points. West's companion essay, "Was the American Founding Unjust? The Case of Slavery" (*Principles*, spring/summer 1992), is also suggested for study; a third essay dealing with the Founders' views on voting rights and the poor appears in the spring/summer 1993 issue of *Principles*. Single copies of each essay may be obtained by contacting the Institute at (909) 621-6825.

Wolfe, Gregory. *A New Dawn of Liberty: The Story of the American Founding*. Los Angeles: The Henry Salvatori Foundation, 1992. The contents of this handy and inexpensive paperback book are simple and essential: a historical essay depicting the key events and issues of the Constitutional Convention of 1787; the text of the Declaration of Independence; and the text of the U.S. Constitution, including its Bill of Rights and subsequent amendments. Class sets are suggested for students' use throughout the course. Bulk rates are available. Contact the publisher at 1901 Avenue of the Stars, Suite 230, Los Angeles, CA 90067, (310) 277-3444.

*Wood, Gordon S. *Creation of the American Republic, 1776–1787*. New York: Norton, 1972. This is an encyclopedic treatment of the changing political thought in America during the years between the signing of the Declaration of Independence and the ratification of the Constitution. The book is available as a paperback.

Resources on the United States Constitution

About the Constitution. New York: Broad Educational Services, n.d. This booklet spells out the provisions of the U.S. Constitution in the most basic language and is accompanied by cartoon-type illustrations. Although intended for somewhat younger readers, multiple copies of the 24-page booklet provide good study guides. This may also be an appropriate resource for Chapter 1 students. For purchasing information, contact Broad Educational Services, 32 Crestwood Lane, Valley Stream, NY 11581. Also available from this source are *About the Bill of Rights*, *ABC's of How America Chooses a President*, and *How Our Government Works*. Orders in bulk are possible.

*Adler, Mortimer. *We Hold These Truths: Understanding the Ideas and Ideals of the Constitution*. New York: Macmillan, 1987. Teachers and serious students will value this book written for the common reader. Adler discusses the relationship between the Declaration of Independence and the Constitution, the ideas of both, the emergence of democracy in the twentieth century, and the defense of the founding documents that is implicit in Abraham Lincoln's Gettysburg Address. Especially valuable for teachers are the two appendixes with a wealth of primary source excerpts, annotated by the author. Teachers may select passages from the book as supplementary classroom readings.

American Political Science Association and American Historical Association.

This Constitution, from Ratification to the Bill of Rights. Washington, D.C.: Congressional Quarterly, 1988. This work, a collection of 19 essays by historians and political scientists, focuses on the establishment and ratification of the Constitution.

The Blessings of Liberty: An Enduring Constitution in a Changing World. Edited by Jack David and Robert McKay. New York: Random House, 1989. The contributors to this collection of essays include prominent politicians, historians, and political scientists. The text covers topics on church-state relations, crime and punishment, free speech, separation of powers, foreign policy, and the modern role of Congress.

**Confronting the Constitution: The Challenge to Locke, Montesquieu, Jefferson, and the Federalists from Utilitarianism, Historicism, Marxism, Freudianism, Pragmatism, Existentialism* . . . Edited by Allan Bloom. Waldorf, Md.: AEI (American Enterprise Institute) Press, 1991. Notions hostile to American principles can pose serious threats to the Constitution. Some ways of thinking that spring from the social sciences, for example, or from contemporary theories on rights, constitute a direct assault on our traditions. The 17 essays in this volume examine the precepts of the Founders and then analyze how the most significant postconstitutional ideas harmonize with the Constitution and how they undermine it. The book presents a brilliant discussion on the clash of ideas surrounding the meaning of American constitutionalism. The positions and arguments are well stated and assertively presented. The book is noteworthy for its careful documentation and extensive index. For purchasing information, telephone the publisher at (800) 269-6267.

The Constitution of the United States: With Case Summaries. Edited by Edward C. Smith. Barnes & Noble, 1987. The text includes the Virginia Bill of Rights, the Declaration of Independence, the Articles of Confederation, and the Constitution, along with such important Supreme Court decisions as the *Bakke* case.

Feldman, Daniel L. *The Logic of American Government: Applying the Constitution to Contemporary Life*. New York: Morrow, 1990. A study of the changes that have occurred throughout the 200-year history of the Constitution, Feldman's work addresses contemporary issues and the importance of individual involvement in the political process.

UNITED STATES OF AMERICA
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The Founders' Constitution: Major Themes. Edited by Philip B. Kurland and Ralph Lerner. Chicago: University of Chicago Press, 1987. This comprehensive, five-volume study of the Constitution is an exceptional resource for teachers. Volume 1 is an anthology of readings that examine major themes of the Constitution. Subsequent volumes investigate Articles 1 through 7 and the first 12 amendments of the Constitution.

Georgia { William Few
Abr Baldwin

Maſſachuſetts { Nathaniel Gorham
Rufus King

***How Does the Constitution Secure Rights?* Edited by Robert A. Goldwin and William A. Schambra. Washington, D.C.: AEI (American Enterprise Institute) Press, 1985. Writing for teachers and serious students, ten distinguished constitutional scholars present essays representing different points of view in response to the title's question. The editors successfully demonstrate the warm controversy relating to this issue, but they also focus on actual constitutional studies rather than simply on a study of constitutional law. The writers probe Alexander Hamilton's remark in *Federalist Paper Number 84*, "The Constitution is itself, in every rational sense, and to every useful purpose, a Bill of Rights." This book is part of the noteworthy series *A Decade of Study of the Constitution*. For purchasing information, contact the publisher at (800) 269-6267.

*Jaffa, Harry, with Bruce Ledewitz; Robert L. Stone; and George Anastaplo. *Original Intent and the Framers of the Constitution: A Disputed Question*. Washington, D.C.: Regnery Gateway, 1993. A unique contribution to the ongoing debate over the original intentions of the Founders, this collection of essays advocates the principles of natural law invoked in the Declaration of Independence. While Jaffa's position is a conservative one, he denies that leading conservative proponents — Edwin Meese, Justice Rehnquist, and Robert Bork— have rightly understood the framers' original intentions. This book is suggested for teachers and serious students. See the Levy entry in this section for a more liberal view of original intent.

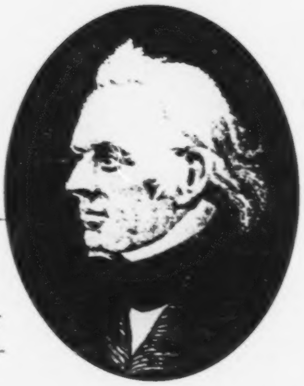
Keenan, Joseph T. *The Constitution of the United States: The Unfolding Story*. Monterey, Calif.: Brooks/Cole, 1988. Keenan examines the historical background of the Constitution, the document itself, its ratification, and the amending process over the course of United States history. Study hints and self-tests are included for each section of the book.

*Levy, Leonard W. *Original Intent and the Framers' Constitution*. New York: Macmillan, 1988. Constitutional scholar Leonard Levy analyzes the argument over original intent. He examines the motives of the framers and various ambiguous provisions of the Constitution. This is a scholarly, well-documented study. See also the Jaffa entry in this section for a more conservative view of original intent.

*McDonald, Forrest. *We the People: The Economic Origins of the Constitution*. New Brunswick, N.J.: Transaction Publishers (Rutgers—The State University), 1992. One of the preeminent constitutional scholars of our time makes a compelling refutation of Charles Beard's influential *An Economic Interpretation of the Constitution* (1913). McDonald's historical data and interpretation are impressive. The book is suggested to teachers as background reading.

*Morris, Richard B. *Forging of the Union: 1781-1789*. New York: Harper and Row, 1988. This is a definitive study of the history of the United States under

Justice Joseph Story (1779–1845). From a painting by Alonzo Chappell. Collection of the Supreme Court of the United States. Reprinted by permission. Story gained distinction both as a jurist and as an educator. His classic text, *A Familiar Exposition of the United States Constitution*, is studied to this day.



the Articles of Confederation. The work is fully documented and illustrated. Morris is a leading scholar on this time period. See also his *The Framing of the Federal Constitution* (Washington, D.C.: Government Printing Office, 1986), a short, well-illustrated narrative examining the debates over the writing and ratifying of the Constitution.

*_The Origins of the American Constitution: A Documentary History_. Edited by Michael Kammen. New York: Penguin, 1986. This is a documentary history of the implementation of the U.S. Constitution, beginning with resolutions formed at a New England town meeting in 1777. A section titled "Suggestions for Special Projects" is aimed at graduate students but may be adapted for high school seniors.

Review of Resources: Teaching Law and the Constitution. Edited by Mary E. Glade. Boulder, Colo.: Social Science Education Consortium, 1987. Glade analyzes more than 169 sets of materials on the Constitution, the Bill of Rights, and related laws. Materials are organized by type and grade level. A bibliography of Constitution-related materials and films is also included.

The Rights Retained by the People: The History and Meaning of the Ninth Amendment. Edited by Randy E. Barnett. Fairfax, Va.: George Mason University Press, 1989. This collection of scholarly articles discusses the meaning and importance of the Ninth Amendment, one that former Chief Justice Warren Burger admitted having trouble recalling. "Rights retained by the people" remains a phrase of often-forgotten significance, with ramifications for today's legislators, jurists, and citizens.

St. John, Jeffrey. *Constitutional Journal: A Correspondent's Report from the Convention of 1787*. Ottawa, Ill.: Jameson Books, 1987. A compelling factual account of the daily proceedings at the Philadelphia Convention, the text draws on James Madison's notes and correspondence as well as the writings of other delegates. It is written in a journalistic style.

Spaeth, Harold J., and Edward C. Smith. *HarperCollins College Outline—The Constitution of the United States*. Harper Perennial, 1991. This is an exceptional guide to the Constitution. The authors explain the Constitution and incorporate references to Supreme Court cases throughout the text.

*Story, Joseph. _A Familiar Exposition of the Constitution of the United States_. Washington, D.C.: Regnery Gateway, 1986. No reference work on the U.S. Constitution has achieved more acclaim than this classic work. Story (1779–1845) was a Harvard professor of law and justice of the Supreme Court who believed his endeavors as an educator were his most important legacy to posterity. He intended this book for young people just entering higher education or the adult world of responsible citizenship. Although students today may have difficulty reading the entire work, they should study selected passages throughout this course. Its glossary of legal terms and other unfamiliar words and phrases is a helpful study tool. Interested

Virginia { John Blair —
James Madison Jr.

teachers and students may contact the publisher at (800) 422-6420 for purchasing information.

Turner, Mary Jane, and Sara Lake. *U.S. Government: A Resource Book for Secondary Schools.* Santa Barbara, Calif.: ABC-Clio, 1989. In its discussion of the philosophical framework of the Constitution, voting patterns, and Congressional districts, this comprehensive resource book contains primary and secondary documents and brief biographies. A directory of government agencies, an annotated bibliography, and a list of recommended classroom resources are also included.

The United States Constitution: Two Hundred Years of Anti-Federalist, Abolitionist, Feminist, Muckraking, Progressive, and Especially Socialist Criticism. Edited by Bertell Ollman and Jonathan Birnbaum. New York: New York University Press, 1990. This is a historical survey of criticism of the Constitution for allegedly not protecting minority rights and failing to address pressing social issues. The critics represented include Charles Beard, Frederick Douglass, Patrick Henry, and William Lloyd Garrison. Thought-provoking essays by Ralph Nader, W. E. B. DuBois, Thurgood Marshall, Woodrow Wilson, and Franklin D. Roosevelt are also included. The contents are always lively and frequently controversial.

Warren, Earl. *A Republic, If You Can Keep It.* New York: Quadrangle Books, 1972. Although written over 20 years ago, this readable book is a precise study of the importance of the Constitution and the Bill of Rights. Former Chief Justice Warren argues that threats to our system of government come from within—from a lack of knowledge and understanding of our democratic system. This short statement, testament to civic participation, is available through libraries.

Women, Politics and the Constitution. Edited by Naomi B. Lynn. New York: Haworth Press, 1990. This collection of essays spans the history of the United States from Anti-Federalist Mercy Otis Warren to Justice Sandra Day O'Connor. The work includes gender gap issues and sex discrimination cases deliberated by the Burger Court.

Resources on the Bill of Rights

THE AMERICAN HERITAGE HISTORY OF THE BILL OF RIGHTS. In ten volumes. Morristown, N.J.: Silver Burdett Press, 1991. Each of the volumes in this bicentennial homage to the founding document—after an illuminating introduction by former Chief Justice Warren E. Burger—traces the 200-year history of one of the amendments. Lively writing combines with color illustrations and an easy-to-use format to sweep young readers (grade seven and above) into the debates that accompanied the inception of the amendments and that continue to rage today over their interpretation and execution. The series would be an invaluable addition to a school library.

The Bill of Rights: A Documentary History. Edited by Bernard Schwartz. New York: Chelsea House, 1971. This two-volume work is a complete history of the Bill of

Rights from its English antecedents to its ratification by the states. Schwartz includes Federalist and Anti-Federalist tracts as well as the House of Representative debates over Madison's proposals. This is an excellent compendium on the Bill of Rights.

*Center for Civic Education. *With Liberty and Justice for All: The Story of the Bill of Rights*. Calabasas, Calif.: Center for Civic Education, 1991. This is a complete unit for high school students on the Bill of Rights. The lessons focus on the historical development of the guarantees of the Bill of Rights and their current applications. For purchasing information, contact the publisher at (800) 683-0812.

The Contexts of the Bill of Rights. Edited by Stephen L. Schechter and Richard B. Bernstein. New York State Commission on the Bicentennial, 1990. A collection of scholarly articles on the Bill of Rights, the text includes a bibliographical essay that is extremely helpful for further research. The contributors are noted authorities in their fields. Contact the Council for Citizenship Education, Russel Sage College, Troy NY, 12180, (518) 270-2363.

Doggett, Keri, and Eleanor Taylor. *Bill of Rights Bicentennial: Commemorating 200 Years of Liberty and Freedom*. Los Angeles: Constitutional Rights Foundation, 1991. Consisting of two teachers' guides for both high school and elementary classes, much of the material in the latter is reworkable for use with lower-ability high school students. In addition to the usual presentation of objectives, materials, and presentations, the guide includes applications to school related situations and activities for outside of school. Copies are obtainable from the publisher at (213) 487-5590, or from the Los Angeles County Office of Education, a cosponsor, at (310) 922-6331.

**Education for Freedom: Lessons on the First Amendment for Secondary School Students*. Denver, Colo.: First Amendment Congress, 1991. The curriculum materials are divided into two sets, one appropriate for middle school students and the other for high school students. The high school lessons focus on the exercise of the freedoms of religion, speech, the press, and assembly. Lessons incorporate primary source readings and supreme court decisions. The interactive lessons require either one or two class periods and include extension activities and an annotated bibliography. A videocassette, also available, presents a visual introduction to the First Amendment and comes with a teachers' guide. Contact the publishers at the University of Colorado at Denver, Graduate School of Public Affairs, 1445 Market Street, Suite 320, Denver, CO 80202, (303) 820-5688.

**The Framers and Fundamental Rights*. Edited by Robert A. Licht. Washington, D.C.: The American Enterprise Institute Press, 1992. In reviewing this collection of essays by leading scholars, the reviewer for *American Political Science Review* concluded, "It is precisely the ability of the authors to provoke us, each in a different way, that makes [this book] so valuable: it makes us think about these important issues in new ways." Each piece is of high quality and free of legal jargon. Teachers and serious students will find the book richly engaging. For purchasing information, the publisher may be contacted at P. O. Box 753, Waldorf, MD 20604, (800) 269-6267.

**George Mason and the Bill of Rights.* Videocassette (VHS and 3/4-inch). Lorton, Va.: Gunston Hall Museum, n.d. This 28-minute film presents an engaging account of Mason's life and political contributions. A man of integrity, wisdom, and controversy, Mason was an influential but little-celebrated figure in the formation of our nation's founding ideals and documents. The video strengthens students' understanding of how the Bill of Rights came to be. The producer of the film, Gunston Hall Museum, also produces instructional packets. For purchasing information, contact the Museum at (703) 550-9220.

George Mason
Reproduced, by permission from the collections of the Library of Congress

*Glasser, Ira. *Visions of Liberty: The Bill of Rights for All Americans.* New York: Little, Brown, 1991. This study involves many cases, most of them contemporary, relating to the application of the Bill of Rights. Each section of the text is preceded by a "visual essay" of the world-renowned photographer Bob Adelman. Glasser is one of the leaders of the American Civil Liberties Union and perhaps its most articulate and authoritative spokesperson.

Gottfried, Ted. *Gun Control: Public Safety and the Right to Bear Arms.* Brookfield, Conn.: The Millbrook Press, 1993. One title in the publisher's *Issue and Debate* series, the book is a helpful resource for students researching the debate between advocates of gun control and proponents of "the right to bear arms." The author draws on documented reports, interviews with young people and adults, and personal experience.

Hall, Kermit L. *By and for the People: Constitutional Rights in American History.* Arlington Heights, Ill.: Harlan Davidson, 1991. In this collection of essays on historical and contemporary issues relating to the Bill of Rights, each essay is followed by a discussion of related Supreme Court cases and an annotated bibliography. Hall's work is a good student resource.

*Levy, Leonard W. "Why We Have a Bill of Rights." *Constitution.* Vol. 3 (winter 1991) pp. 6–13. A good study of the historic background of the Bill of Rights, this article places the Bill of Rights in historic perspective. Professor Levy is a noted scholar who has written extensively on the Constitution and the Bill of Rights.

Monk, Linda R. *The Bill of Rights: A User's Guide.* Alexandria, Va.: Close-Up Foundation, 1990. Real-life stories and photographs of the people behind constitutional test cases give students an insider's view of some key issues and decisions. History, the meaning of

Connecticut { Wm. Saml. Johnson
Roger Sherman
New York . . . Alexander Hamilton

amendments, and issues of due process and equal protection are addressed. Both the student's edition and a teacher's guide are available in paperback. For purchasing information, contact the publisher at (800) 765-3131.

**National Center for History in the Schools. *The Evolution of the Bill of Rights.* Los Angeles: University of California, 1992. This teaching unit explores the development of states' declarations of rights through the Congressional debate over the adoption of the U.S. Bill of Rights. Lessons involve students through a variety of teaching techniques and incorporate primary source readings.

**Old Rights and New.* Edited by Robert A. Licht. Washington, D.C.: The American Enterprise Institute Press, 1993. Seven distinguished scholars each contribute an essay that examines the tension between responsibility and self-expression, the spuriousness of some new rights claims (e.g., "animal rights"), and controversies relating to the jurisprudence of affirmative action. For purchasing information, teachers may contact the publisher at P.O. Box 753, Waldorf, MD 20604, (800) 269-6267.

Rakove, Jack N. "Inspired Expedient." *Constitution*, Vol. 3 (winter 1991), pp. 19–25. Rakove's article illustrates Madison's role as the driving force behind the writing and adoption of the Bill of Rights. Madison, opposed to a federal bill of rights that would be a "parchment barrier," engineered ratification. This interesting article focuses on the Bill of Rights in Madison's lifetime.

Rutland, Robert A. *Birth of the Bill of Rights, 1776–1791.* Boston: Northeastern University Press, 1983. This is the story of the evolution and ratification of the first ten amendments to the Constitution.

**Schechter, Stephen L. *The United States Bill of Rights as a Blueprint for Self-Government.* Troy, N.Y.: Council for Citizenship Education, 1991. Schechter, a civics scholar, presents a clear and perspicacious explanation of the Bill of Rights in the context of its historical origins. He discusses the document as a product of an eighteenth-century conception of rights and examines the place of those rights in the constitutional order. While the twentieth-century interpretation of the Bill of Rights as a national charter of individual rights prevails today, such a concept is a serious misinterpretation of the document in its historic context. Schechter concludes with an observation regarding Americans' instinct for association and the current challenges to associative life in American civil society; his comments echo some themes in Tocqueville's *Democracy in America*. Perhaps no single essay on the Bill of Rights is more pertinent to teachers and students than this one. Copies of the essay may be purchased from the author, Council for Citizenship Education, Russell Sage College, Troy, NY 12180, (518) 270-2363.

"Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

James Madison
Federalist Paper Number 51

Learning Through Student Journals in American Government Classes

Many teachers attest to the value of having students keep journals in history–social science classes. Since good writing requires careful thought, specificity, and clarity, keeping journals can encourage students to record their best thinking on the topics they study or the sources they read.

Journals can be formal or informal. Students may write some journal assignments in sections of their notebooks or binders. They may then use these pages for study, refer to them during class discussions, or revise and extend them as a part of polished essays. At other times, journal writing may be done in connection with a specific reading, written in blue books, and submitted to the teacher. Brief journal entries may also be written on filler paper and exchanged with other students for peer reading and discussion.

The following list summarizes seven types of journals teachers may consider using. The topic or reading under study will determine the type selected for a particular assignment. For example, the metacognitive journal (number 3) lends itself to studying and discussing chapters in Catherine Drinker Bowen's *Miracle at Philadelphia* (e.g., "What I learned about the New Jersey Plan," "How I came to learn it"). The learning log (number 2) helps students "think with a pencil" when reading an essay from the *Federalist Papers.*

These summaries are taken from the monograph "Meaning-Making Strategies: When? Why? How? What?" (1990), developed by the California Literature Project, California State University, Dominguez Hills. They are adapted and reprinted here by permission of Mel Grubb, Los Angeles County Office of Education, and Gretchen Laue, Executive Director of the California Literature Project.

1. Double-Entry/Dialectical/ Dialogue Journal

What: A double-entry journal in which students take notes and add their own reflections while reading literature. It provides students with two columns which are in dialogue with each other. The journal provides a nonthreatening beginning to writing and promotes writing fluency. Students are encouraged to explore ideas and responses and to take risks in their writing.

When: As readers progress through a text

Why: To actively involve readers in . . . interacting with a text. This journal not only develops a method of critical reading but also encourages habits of reflective questioning. The journal creates a visible, permanent record. . . .

How: The reader divides a sheet of paper in half. On the left side, the reader copies a quotation or passage from the text that has been selected by the teacher or the reader. On the right side of the paper, the reader may respond, question, make personal connections, evaluate, reflect, analyze, and interpret. In other words, the left column is for "note-taking" from the text, and the right column is for "note-making" from the students.

2. Learning Log

What: A general term referring to a written response by students most commonly used in response to literature but which may also be used in content areas.

When: When students need to "write to think" or "write to learn."

Why: Allows a personal response to a learning situation. In the right-hand column, students "own" the new facts by putting them in their own words or by raising their own questions.

How: Divide the paper into sections: label the left column "Note-Taking," and label the right column "Note-Making." The left column is used for traditional note forms of direct quotations and citations or summaries. The right column is used for commenting on the left column's notes.

As students keep taking notes, they should regularly reread their previous page(s) of notes and comments, drawing any new connections in a right-column summary before starting another page of note-taking/note-making.

3. Metacognitive Journal

What: Participants analyze their own thought processes.

When: Following any activity.

Why: A higher level of critical thinking occurs when one is aware of one's thought processes. Metacognition encourages students to reflect on the steps which evolved into the completion of the reading, the final draft of the paper, or the presentation of a project. Some questions the student might respond to are: What enabled you to gain the most from this experience? What would you do differently if you had the time to return to the project?

How: The students begin by dividing the paper in half. On the left side of the paper, the student records "What I Learned." On the right side of the paper, the student records "How I Came to Learn It."

4. Problem-Solution Journal

What: Students identify a problem and suggest and explore possible solutions.

When: As problems are encountered.

Why: To develop problem-solving strategies, students write to describe and discuss a specific problem and discover new ways to resolve it in the process.

How: The student labels the left side of the paper "Problem(s)" and the right side "Resolving the Problem(s)." Through writing, students identify a problem, brainstorm possible alternatives, choose a probable solution, anticipate stumbling blocks, and propose arguments while writing in favor of a proposed solution.

5. Reflective Journal

What: Students identify an activity, what they learned, and also record an emotional response to the activity.

When: Following an activity requiring reflection.

Why: This exercise encourages students to make connections to their personal lives and the human condition.

How: Students divide papers into sections and record thoughts under such headings as "What I Did," "What I Learned," "What Questions Do I Still Have?" "What Surprises Did I Experience?" "Overall Response."

Variation: Reading Process Journal. The paper is divided into three sections: "What I First Thought," "What I Think Now," and "What I Learned."

6. Speculation About Effects/ Prediction Journal

What: Students examine events and speculate about the possible long-term effects resulting from these events.

When: When events occur which may have long-range results.

Why: Students are encouraged to anticipate the changes which might occur based on the event(s) experienced.

How: Students divide their papers in half. On the left side, they record "What Happened," on the right, "What Might/Should Happen As a Result of This."

7. Synthesis Journal

What: Students reflect on cumulative activities in light of their own experiences and plans for personal application.

When: At the end of a chunk of instruction.

Why: Students are encouraged to review experiences and plan for future application. The act of writing reinforces the concepts learned.

How: Students divide the papers into sections. They record "What I Did," "What I Learned," and "How I Can Use It."

Frame of Government
Pennsylvania Constitution, 1776

SECTION 1. The commonwealth or state of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a president and council, in manner and form following—

SECTION 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania.

SECTION 3. The supreme executive power shall be vested in a president and council.

SECTION 4. Courts of justice shall be established in the city of Philadelphia, and in every county of this state. . . .

SECTION 8. No person shall be capable of being elected a member to serve in the house of representatives of the freemen of this commonwealth more than four years in seven. . . .

SECTION 10. A quorum of the house of representatives shall consist of two-thirds of the whole number of members elected. . . .

SECTION 11. Delegates to represent this state in congress shall be chosen by ballot by the future general assembly at their first meeting, and annually forever afterwards. . . . Any delegate may be superseded at any time, by the general assembly appointing another in his stead. No man shall sit in congress longer than two years successively, nor be capable of re-election for three years afterwards: and no person who holds any office in the gift of the congress shall hereafter be elected to represent this commonwealth in congress. . . .

Source: From *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies*, Vol. IV. Edited by Francis Newton Thorpe. Washington, D.C.: Government Printing Office, 1909.

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SECTION 19. [T]he supreme executive council of this state shall consist of twelve persons. . . . No member of the general assembly or delegate in congress, shall be chosen a member of the council. The president and vice-president shall be chosen annually by joint ballot of the general assembly and council. . . .

The council shall meet annually, at the same time and place with the general assembly.

SECTION 20. The president, and in his absence the vice-president, with the council, five of whom shall be a quorum, shall have power to appoint and commission judges, naval officers, judge of the admiralty, attorney general and all other officers, civil and military, except such as are chosen by the general assembly of the people. . . . The president shall be commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and only so long as they shall approve thereof. . . .

SECTION 22. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation or removal for maladministration. . . .

SECTION 32. All elections, whether by the people or in general assembly, shall be by ballot, free and voluntary: And any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect for that time, and suffer such other penalties as future laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such rewards to be elected, shall be thereby rendered incapable to serve for the ensuing year. . . .

Frame of Government Massachusetts, 1780

CHAPTER I. THE LEGISLATIVE POWER

SECTION I

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other. . . .

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revival; and if he, upon such revision, approve thereof, he shall signify his approbation by singing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives . . . to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of law. . . .

SECTION II—Senate

ARTICLE II. The senate shall be the first branch of the legislature. . . .

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives. . . . Their judgment . . . shall not extend further than to removal from office and dis-

Source: From *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies*, Vol. III. Edited by Francis Newton Thorpe. Washington, D.C.: Government Printing Office, 1909.

qualification to hold or enjoy any place of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land. . . .

SECTION III—House of Representatives

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. . . .

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills. . . .

X. The house of representative shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers; and settle the rules and orders of proceedings in their own house. . . .

CHAPTER II. EXECUTIVE POWER

SECTION I.—Governor

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS. . . .

II. The governor shall be chosen annually. . . .

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting called for that purpose . . . give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes. . . .

VII. The governor of this commonwealth . . . shall be the commander-in-chief of the army and navy, and of all the military forces of the state . . . and shall have full power, by himself, or by any commander . . . to train, instruct, exercise, and govern the militia and navy. . . .

VIII. The power of pardoning offenses, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council. . . .

SECTION III.—Council

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of persons beside the lieutenant-governor, whom the governor . . . shall have full power, at his discretion, to assemble . . . ; and the governor, with the said councilors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing of the affairs of the commonwealth, according to the laws of the land.

CHAPTER III. JUDICIARY POWERS

ARTICLE I. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior . . . provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office . . . all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed. . . .

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAPTER IV. DELEGATES TO CONGRESS

The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room, to serve in congress for one year. . . . They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead. . . .

Appendix I-5

Constitutionalism in Education for Democracy: The Continuing Relevance of Arguments on Constitutional Government of the American Founding Era

by John J. Patrick

In 1776, Americans were deeply involved with the problem of constitutionalism, of how to create government with sufficient power to provide necessary public services and with sufficient limitations to prevent tyranny.[1] They sought the elusive condition of ordered liberty to secure the rights of individuals in civil society. Their attempts to combine power and restraint, order and liberty, in one coherent system produced profound arguments on the meanings and operations of constitutional government. These arguments of the American founding era are relevant to the concerns and challenges of democratic citizenship today. Therefore, the ideas on different

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Note: John J. Patrick is the Director of the Social Studies Development Center of Indiana University. He is also Director of the ERIC Clearinghouse for Social Studies/Social Science Education and a Professor of Education at Indiana University. Professor Patrick is an experienced author, editor, and developer of curriculum materials for teachers of history, civics, and government. He is coauthor of many publications, such as *Lessons on the Constitution*, *Lessons on the Federalist Papers*, *Lessons on the Northwest Ordinance of 1787*, *Liberty and Order in Constitutional Government*, *James Madison and the Federalist Papers*, and *The Young Oxford Companion to the Supreme Court of the United States*, published in 1994 by Oxford University Press. He is currently at work on a book for Greenwood Press, *Founding the Republic: A Documentary History, 1775–1792*, which is scheduled for publication in 1995. In addition, he has published many articles on teaching and curriculum development in education journals and is coauthor of the article on "Secondary Social Studies" in the sixth edition of *The Encyclopedia of Educational Research*, sponsored by the American Educational Research Association.

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[1] Herman Belz defines constitutionalism "as forms, principles, and procedures of limited government. Constitutionalism addresses the perennial problem of how to establish government with sufficient power to realize a community's shared purposes, yet so structured and controlled that oppression will be prevented" (Hall, 1993, p. 190).

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sides of these founding-era debates should be in the core curriculum of any school with the goal of educating students to become responsible citizens of a constitutional democracy.

How should the founding-era constitutional debates be included in the school curriculum and used in the classroom? My response to this question involves three topics:

(1) Purposes and first principles of constitutional government in the arguments of American founders and the civic education of students today.

(2) Key documents for civic education that exemplify the founding-era consensus and controversy about constitutionalism.

(3) Imperatives of teaching and learning about American constitutionalism and democratic citizenship.

Purposes and First Principles of Constitutional Government in the Arguments of American Founders and the Civic Education of Students Today

An ostensible concern of constitution makers is how to effectively grant and limit powers of their government (Sunstein, 1988). But the ultimate questions, the most important concerns, are normative. They pertain to the ends that will be served by grants and limitations of power (Diamond, 1981, p. 129).

In 1776, John Adams of Massachusetts stressed the critical importance of clarity and care in deciding both the ends and means of a proposed constitution. In his incisive essay, "Thoughts on Government," written at the outset of the grandest burst of concentrated constitution-making the world has ever seen, Adams wrote:

> [T]he blessings of society depend entirely on the constitutions of government. There can be no employment more agreeable . . . than a research after the best. [Alexander] Pope flattered tyrants too much when he said,
>
> *"For forms of government let fools contest,*
> *That which is best administered is best."*
>
> Nothing can be more fallacious than this . . . Nothing is more certain from the history of nations, and the nature of man, than that some forms of government are better fitted for being well administered than others. We ought to consider what is the end of government, before we determine which is the best form (Schechter, 1990, p. 129).

Key questions, then, of constitutionalism and constitution makers are al-

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ways about the proper purposes of government. These questions about governmental power, its latitude and limits, ought to be at the center of civic education for constitutional democracy. And they ought to yield defensible criteria by which students and citizens make judgments of good or bad—better or worse—about the structure, operations, decisions, and legitimacy of their constitutional government; and by which they compare, contrast, and evaluate different polities of different times and places.

There was a remarkable agreement on purposes and first principles among different parties of the American founding-era debates on constitutional government. John Adams, for example, tapped an emerging American consensus to emphasize the following purposes and first principles of constitutionalism in "Thoughts on Government":

- Good constitutional government is "an empire of laws" in which the rule of law prevails over the arbitrary will of men.
- Good constitutional government is republican, based on the consent and sovereignty of the people and authentically representative of the will of the community.
- Good constitutional government secures the inalienable rights of individuals against tyranny from any source, whether it be the tyranny of one, a few, or many.
- Good constitutional government permits the greatest happiness for the greatest number of people by establishing conditions of liberty and order that maximize opportunities for individuals to satisfactorily pursue personal fulfillment in civil society.

Adams's purposes and first principles were compatible with core ideas of *The Federalist Papers*, written in 1787–1788 to defend the U.S. Constitution during the arguments on ratification. They were also agreeable with the writings of leading Anti-Federalists, using pseudonyms such as Brutus, Cato, Federal Farmer, and Centinel, who opposed the Constitution of 1787. Coauthors of *The Federalist Papers*, James Madison, Alexander Hamilton, and John Jay, endorsed these core civic ideas. And so did Melancton Smith, Richard Henry Lee, Patrick Henry, and George Clinton, who ably represented the Anti-Federalist opposition (Bailyn, 1992; Lutz, 1988; Richards, 1989, and Sinopoli, 1992).[2] Even Adams's nemesis, Thomas Paine, who argued acidly with Adams about institutions and operations of government, tended to agree with his political foe on the most fundamental purposes and principles of good constitutional governments.[3]

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[2] Richard C. Sinopoli (p. 131) emphasizes that "this consensus on deep ideological principles exists side by side with differences over the desirability of certain institutions, policies, and civic character traits."

A fundamental lesson of American civic education is that the arguments of the founding era were conflicts within a broad consensus on the desirability of constitutional republicanism (what we today refer to as representative constitutional democracy). Contending groups, such as the Federalists and Anti-Federalists, generally agreed on the ends of constitutional government, such as simultaneous security for the public good and the private rights of individuals. Both Publius (the Federalist) and Brutus (the Anti-Federalist) fundamentally valued representative government, the rule of law, popular sovereignty, civic virtue, public good, and individual rights.[4] The sharp disagreements, then, as today, were about the exact meanings and practical applications of these core ideas in the operations of constitutional government and the lives of citizens.

The conceptual agreements and operational disagreements of the founding-era political thinkers can be synthesized for pedagogical purposes around three central, continuous, and interconnected paradoxes of constitutional republicanism (representative democracy): (1) how to achieve liberty and order, (2) how to have majority rule and minority rights, and (3) how to secure the public good and the private rights of individuals. These were the key dilemmas for all sides to the American founding debates on the meaning and practice of constitutionalism in a republic, and they are central challenges today for those who would sustain and improve upon their civic inheritance from the founders. These three intertwined paradoxes, therefore, should be pervasive parameters of inquiry for students who would know the complex challenges of making and maintaining a constitutional and democratic political order committed to maximum security of liberty for citizens.

Each of these paradoxical relationships involves questions about constitutional limits. For example, at what point, and under what conditions, should the power of the democratic majority in government be limited by the higher law of the Constitution to secure the rights of individuals in the minority? And, at what point, and under what conditions, should the liberty of individuals be limited by law to protect and sustain the democratic authority of majority rule. Alternative responses to these basic questions have raised critical constitutional issues throughout the history of the United States, from the founding era until the present. Numerous landmark decisions of the U.S. Supreme Court have dealt with these questions, as have controversies between the major political parties during national elections and sessions of Congress. From the 1780's until today Americans have debated about (1) when and how to limit the power of the people's government to protect the inherent rights and liberties of each person, and (2) when and how to limit individual rights to liberty or privacy for the public good, as determined by representatives of the majority of the people. These questions are as vital today as they were more than 200 years ago.[5]

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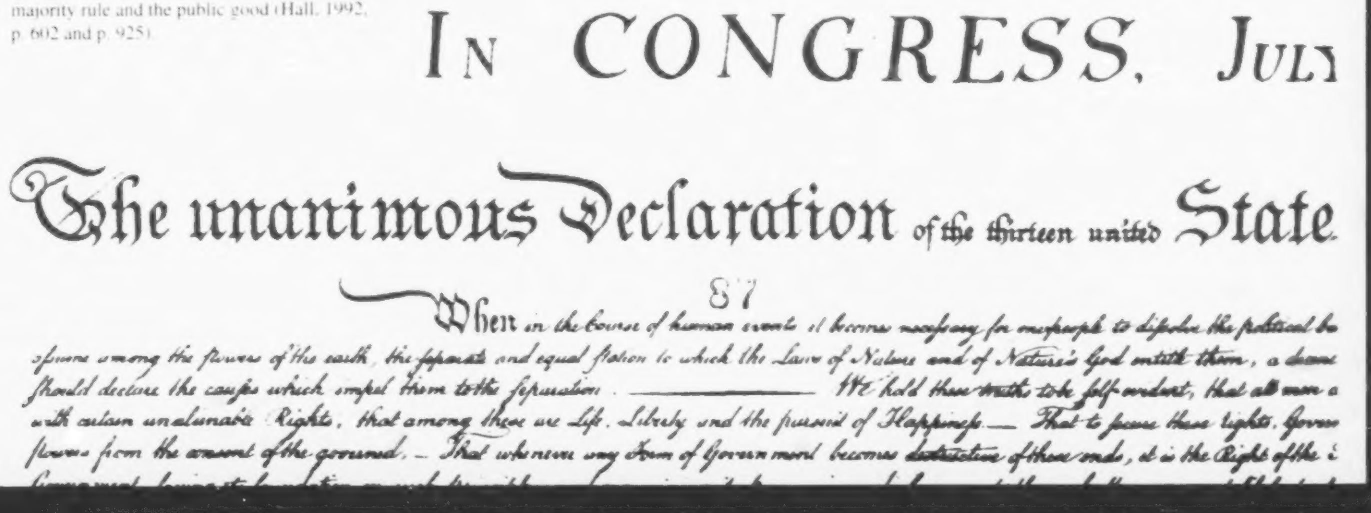
[3] John Adams wrote *Thoughts on Government* to counter ideas about popular government and republicanism expressed by Thomas Paine in his 1776 booklet, *Common Sense*.

[4] Publius was the collective pseudonym of the authors of *The Federalist*, Alexander Hamilton, James Madison, and John Jay. Brutus was the pseudonym of an unknown Anti-Federalist writer. Some scholars claim that Robert Yates of New York was Brutus.

A rich legacy of literature is available for students of the founding-era arguments on the paradoxical questions about the meaning and practice of constitutional republicanism (representative democracy). These primary documents should be the raw materials of civics lessons on the core concepts and continuing controversies of democratic constitutionalism. The pedagogical problem is to select a few of the very best documents, from the vast number available to us, and to organize them effectively for teaching and learning in the classroom.

Key Documents for Civic Education That Exemplify the Founding-Era Consensus and Controversy About Constitutionalism

The Declaration of Independence, the first founding document of the United States, can be a point of entry for in-depth study of the founding-era arguments on constitutionalism because it proclaims succinctly the American consensus on the purposes of government: security for the "unalienable



IN CONGRESS, JUL

The unanimous Declaration of the thirteen united State

When in the Course of human events it becomes neceſsary for one people to diſsolve the political b
ſsume among the powers of the earth, the ſeparate and equal station to which the Laws of Nature and of Nature's God entitle them, a decen
ſhould declare the causes which impel them to the ſeparation. —— We hold these truths to be ſelf-evident, that all men a
with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happineſs. — That to secure these rights, Govern
powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the

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[5] See, for example, *West Virginia Board of Education v. Barnette* 319 U.S. 624 (1943) and *United States v. O'Brian* 391 U.S. 367 (1968). The *West Virginia* case is an example of limitations on majority rule to protect minority rights. The *O'Brian* case is an example of limitations on individual liberty on behalf of majority rule and the public good (Hall, 1992, p. 602 and p. 925).

rights" of individuals and government by "consent of the governed." The constitutional values of majority rule with minority rights, public good with private rights of individuals, and ordered liberty are connoted throughout this document.

The Declaration of Independence calls for limitations on any kind of power, including the democratic power of the people, in order to secure the "unalienable rights" of every person. A good constitution is one that secures these rights. Thus, key ideas of the Declaration of Independence are foundations of American constitutionalism, and they can be used as criteria by which one judges the worth of a constitutional government (Anastaplo, 1989, pp. 1–29 and Berns, 1992, pp. 11–20). According to Walter Berns, "We were first constituted by the Declaration of Independence, and the Declaration must figure prominently in a proper study of American constitutionalism" (p. 19).[6]

The "Declaration" presents examples and reasons about the failure of British government to fulfill the purpose of good government. By implication, the American constitution makers were challenged with the mission of succeeding, where the British had failed, in establishing good governments for the United States of America in terms of widely accepted criteria stated in the Declaration of Independence. The primary criterion, of course, is this one: "That to secure these Rights [to life, liberty and the pursuit of happiness] governments are instituted among men, deriving their just Powers from the Consent of the governed." All persons, of course, are equal in their possession of certain "unalienable rights."

American constitution making was already underway in several states by the time the Declaration of Independence was written. And the constitution makers worked from long and strong traditions of republican government that had developed during more than 150 years of the American colonial experience (Lutz, 1988, pp. 35–69). Several of the original state constitutions, and the processes of making them, are worthy of consideration for civic education purposes. Two of them, however, are especially clear and useful exemplars *of the consensus on principles and controversy about practices* that marked the founding-era debates. These two frames of government recommended for comparative analysis and evaluation by civics students are (1) the Pennsylvania Constitution of

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[6] Both Anastaplo and Berns see the Constitution of 1787 as a fulfillment of the criteria for good government stated in the Declaration of Independence. Berns writes on page 121, "Somehow that Constitution did what the Declaration of Independence says must be done and that other constitutions have typically been unable to do: it instituted a government that secures human rights." Bernard Bailyn agrees with Berns on this point in his celebrated work, *The Ideological Origins of the American Revolution* (see pages 321–381).

1776 and (2) the Massachusetts Constitution of 1780.[7]

The Pennsylvania document exemplified, to a considerable extent, institutional arrangements and civic values compatible with Anti-Federalist constitutionalism, as it was expressed in 1787–1788. By contrast, the Massachusetts Constitution, drafted primarily by John Adams, was a forerunner of Federalist constitutionalism. The Pennsylvania document's unicameral legislature, virtual legislative supremacy, judicial accountability to the legislature, and provisions for limited terms, frequent elections, and rotation in office, for example, were used later by Anti-Federalist writers, such as Brutus and Centinel, in their arguments about the characteristics of good government. The Massachusetts document's separation of powers, bicameral legislature, executive veto, and independent judiciary were precursors of the federal Constitution of 1787, the model of Federalist constitutionalism and the target of Anti-Federalist constitutional criticism.

The discourse and debates of the Anti-Federalists and Federalists are a profound extension of the founding-era arguments about the principles and practices of constitutional governments in the original thirteen states. Brutus, the Anti-Federalist, was as adamant as Publius, the Federalist, about establishing constitutional government that would "secure the liberty of the citizens of America" and "admit a full and fair representation of the people" (Storing, 1981, p. 123). But Brutus, unlike Publius, tried to demonstrate "that the powers [in the Constitution of 1787] are not properly deposited for the security of public liberty" (Storing, 1981, p. 123). Brutus, for example, emphasized broad majority rule and citizen participation in a representative constitutional government that directly reflected the popular will. Publius wanted a government based on the popular majority, but limited effectively by the higher law of the Constitution to protect rights and liberties of individuals in the minority. Publius, more than Brutus, wanted to constitutionalize, or limit, the democratic will of the people because he feared, more than Brutus, majority tyranny.[8]

Serious study of Federalist and Anti-Federalist ideas is a key to understanding the civic culture of the United States and the perennial and paradoxical problems of constitutional democracy: how to simultaneously and reasonably achieve liberty with order, majority rule with minority rights, and the public good in concert with the private rights of individuals. The best *Federalist Papers* on these core dilemmas are numbers 1, 9, 10, 14, 15, 23, 37, 47–51, 70, 78–81, and 84. The best Anti-Federalist counterpoints are found in several essays by Brutus (numbers I–V and X–XV) and Federal Farmer (I–VII and XVI–XVII).[9]

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[7] A copy of the Pennsylvania Constitution of 1776, with commentary, is presented in Bernard Schwartz, *The Roots of the Bill of Rights*, Volume 2 (1980, pp. 262–275); a copy of the Massachusetts Constitution of 1780, with commentary, can be found in Stephen L. Schechter, *Roots of the Republic* (1990, pp. 188–226).

[8] Brutus wrote, "[T]he people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon, the latter by the will of one or a few" (Storing, 1981, p. 114). The contrasting views of Publius can be examined in *Federalist* 10 and 51; in these two papers Publius (James Madison) explains how a "well-constructed Union" can be "a republican remedy for the diseases most incident to Republican government," such as majoritarian tyranny and inability to maintain social order to secure individual rights (Cooke, 1961, p. 65).

Careful comparative analysis and appraisal, for example, of *Federalist* 10 and 14 and *Brutus* I and IV will yield deep understanding and judgments on their contrasting conceptions of republicanism and liberty, which explain their differing views on representation in government, majority rule, security for individual rights, popular sovereignty, social pluralism, and the public good. Comparative analysis and appraisal of *Federalist* 78 and *Brutus* XV will frame a continuing constitutional controversy about the makeup and functions of the judiciary in a democratic political order. Brutus, for example, argued that the independent federal judiciary of the 1787 Constitution was antithetical to the very idea of a free, popular, majoritarian government.[10] He said, "I question whether the world ever saw, in any period of it, a court of justice invested with such immense powers, and yet placed in a situation so little responsible [to the people]" (Storing, 1981, pp. 182–187). By contrast, Alexander Hamilton, as Publius, expressed a rebuttal in *Federalist* 78. He argued for an independent judiciary, exercising judicial review, as an indispensable instrument of constitutionalism with the ultimate purpose of securing individual rights against all potential sources of tyranny, including democratically elected legislative assemblies (Cooke, 1961, pp. 521–530).

The contending ideas of Federalists and Anti-Federalists on perennial problems of democracy have been connected to alternative visions of constitutional democracy throughout United States history, from the founding era to the present (Peterson, 1992). Arguments about the role, powers, and constitutional makeup of the federal judiciary, which are reminiscent of the Publius-Brutus debate, have persisted through United States history until today. Thomas Jefferson, for example, lambasted the John Marshall Court in terms and tones compatible with the position of Brutus. Chief Justice Marshall, of course, directly drew upon the writings of Hamilton as Publius to justify his use of judicial power to serve the highest purposes of American constitutionalism. Any avid reader of twentieth-century newspapers knows that the terms and spirit of the founding-era debate on the federal judiciary have been replicated, with slight modifications, in our own times (Peterson, 1992, pp. 121–126).

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[9] The best edition of *The Federalist Papers* is edited by Jacob E. Cooke (1961); the best Anti-Federalist papers are collected in one volume edited by Herbert J. Storing (1981).

[10] Storing claims that Brutus was the best of the Anti-Federalist writers in directly opposing the ideas of *The Federalist Papers*.

There were prominent Anti-Federalist ideas in the Populist and Progressive crusades to reform democratic government from the 1890's until the 1920's. Today's "term limits" constitutional reformers are acting on an old Anti-Federalist idea (Peterson, 1992, p. 114). And the "term limits" opponents usually justify their views with arguments that Publius, the Federalist, would have approved. Further, the central themes of Brutus and several other Anti-Federalist writers are compatible with views of our contemporary advocates of communitarianism and "strong democracy" based on deep civic commitments and extensive citizen participation for the public good (Barber, 1984 and 1992 and Bellah, et al., 1991). By contrast, Publius in *The Federalist Papers* is the founding-era precursor of our current proponents of "liberal purposes" and "liberal virtues" in constitutional democracy (Galston, 1991 and Macedo, 1990).[11]

The great founding-era scholar, Herbert Storing, emphatically and eloquently stated the importance of the Federalist versus Anti-Federalist debate for civic education and citizenship today. Storing said, (1981, p. 72), "If . . . the foundation of the American polity was laid by the Federalists, the Anti-Federalist reservations echo through American history; and it is in the dialogue, not merely in the Federalist victory, that the country's principles are to be discovered."

Imperatives of Teaching and Learning About American Constitutionalism and Democratic Citizenship

The ideas and issues of the founding-era dialogue and debate on constitutionalism are forever relevant to people committed to the complex conjoining of liberty and order, majority rule and minority rights, and public good and private rights of individuals. Systematic teaching of these ideas and issues on constitutionalism, therefore, is *a first imperative* of civic education for democracy.

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[11] Both Galston and Macedo attempt to blend fundamental liberal constitutional concerns with communitarian commitments to the public good and civic virtue. In this effort, they appear to be faithful to James Madison's criteria for the pursuit of good government stated in *Federalist* 10.

The core ideas in constitutionalism have framed more than 200 years of political debate in the United States, and they have become interesting to people around the world, now more than ever, as we enter what historians of the future may call a "New Global Age of the Democratic Revolution," after R. R. Palmers great study of the eighteenth-century, *Age of the Democratic Revolution* (1959).[12] However, students in our schools, the future participants in our political order, will neither know nor value these core civic ideas unless they have regular opportunities to learn the constitutional thought of the American founders, Federalists and Anti-Federalists. Further, if young people in school are not substantially exposed to documents that contain the constitutional ideas of the founders, they cannot be expected to think critically about these ideas in order to identify and maintain the best of them, and to modify and improve upon the rest of them (Butts, 1989).

A key to better teaching and learning of founding-era conceptions of constitutionalism, and their subsequent development in American and world history, is emphatic, detailed, and recurrent treatments of these ideas in the classroom. The core ideas and issues must be introduced early in the curriculum and visited again and again, in cycles of increasing complexity and depth, if students are to develop a deep understanding of the ideas and reasoned commitments to them as first principles of constitutional democracy. A recent summary of findings from twenty years of the National Assessment of Educational Progress studies (NAEP) concluded that "students who reported 'a lot' of study of U.S. history and civics topics [including the Constitution and constitutional issues] also had a higher proficiency in those subjects" (Mullis, Owens, and Phillips, 1990, p. 71).

A second imperative of constitutionalism in education for democracy is intellectually active learning by inquiring students, such as the (1) interpretation, criticism, and discussion of primary texts on constitutional thought; (2) analysis and debate of constitutional issues; and (3) participation in classroom simulations (e.g., a simulated ratification debate of the founding era or a mock Congressional hearing on a proposed constitutional amendment of our own times).[13] Active learning by inquiring students appears to be associated with greater achievement of knowledge and development of cognitive capacity for problem solving and critical thinking, which are requisites of responsible democratic citizenship. In the latest NAEP study on civics, students who reported regular or extensive participation as active learners in the classroom "tended to perform better in the assessment than their peers who had occasionally or never participated in these activities" (National Assessment of Educational Progress, 1990, pp. 83–85).

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[12] Palmer treats the spread of democratic ideas in Western civilization. By contrast, our current age of democratic revolutions is global, as conceptualized and discussed in two new books by Joshua Muravchik, *Exporting Democracy: Fulfilling America's Destiny* and Theodore H. Von Laue, *The World Revolution of Westernization: The Twentieth Century in Global Perspective* (1987).

[13] An excellent source of materials for debates on constitutional amendments is Alice O'Connor, et al., *Rediscovering the Constitution: A Reader for Jefferson Meeting Debates* (1987); this volume contains materials for classroom debates on constitutional issues that have divided Americans from the founding era until the present, such as the desirability of term limits for members of Congress, direct election of the President, direct accountability to the people of the U.S. Supreme Court, a national referendum procedure, and so forth.

A third imperative of teaching and learning about constitutionalism in education for democracy is ongoing inquiry and critical thinking about ideas and issues in an open classroom climate, which leads to higher levels of achievement and development of positive orientations to democratic attitudes. In an open classroom climate, students feel free and secure about expressing and examining ideas and issues, even those that are unconventional or unpopular. In an open classroom climate, the teacher is emphatically supportive of freedom of expression and inquiry about controversial topics. Further, the teacher serves as a model and mentor for students in their collegial pursuit and use of knowledge to formulate, examine, and justify positions on constitutional issues (Leming, 1985, pp. 162–163).

Systematic and intellectually active learning about ideas and issues of constitutionalism, in an open classroom climate, appears to be the way for students to develop profound knowledge and support of core principles of constitutional democracy, which are the essential elements of an American civic creed.[14] To be an American has been, in large part, to acquire, to believe in, and to act on these core civic ideas. Thus, *a fourth imperative* of teaching and learning about constitutionalism is developing commitments among students, based on reason, to these core civic ideas.

An American identity, based on common principles of constitutional government, was an invention of the founding era. The historian Edmund Morgan (1977, p. 100) reminds us that, "Nationalism has been the great begetter of revolutions . . . In our case it was the other way round. We [Americans] struck for independence and were thereby stirred into nationality; our nation was the child, not the father, of our revolution."

James Madison and other American founders nurtured this "child"—American national identity—with novel notions of constitutionalism based on "a popular sovereignty not hitherto fully recognized," says Edmund Morgan. "Madison was inventing a sovereign American people [in an extended national republic] to overcome the sovereign states and unbridled diversity, which threatened political union, the public good, and the private rights of individuals (Morgan, 1988, p. 267).

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[14] Gunnar Myrdal, the astute observer of political and social life in the United States, perceived the vitality and utility of the core civic ideas that he called an "American Creed" in his seminal work, *An American Dilemma*. Myrdal claimed that this "American Creed is the cement in the structure of this great and disparate nation" (1944, p. 4).

Political philosopher David Richards concurs with the historian Morgan's views about the centrality of new civic principles in creation of a new American community of the founding era. Richards (1989, p. 295) notes that the founders' "new conception of political community (a community of principle) was . . . argued over and justified to the people at large in terms of . . . the ends of politically legitimate government (respect for rights and pursuit of the public good)." This "community of principle" alone gives long-term hope for maintenance of national community and unity in the increasingly diverse American society. It is the cohesive civic core of a multicultural country which Americans of various classes, religions, regions, races, and ethnic origins have in common. This "community of principle" also is the foundation for fruitful continuing critical inquiry and judgments about the nature and uses of constitutional democracy in the United States.

In 1787, James Madison everlastingly framed the central issue for inquiry and political action in America's pluralistic constitutional democracy. In *Federalist* 10, he wrote, "To secure the public good and private rights against the danger of [an overbearing majority], and at the same time to preserve the spirit and form of popular government is then the great object to which our inquiries are directed" (Cooke, 1961, p. 61). Thus, Madison recognized both personal liberty (private rights) and community concerns (public good) as potentially compatible goals of constitutional government in the United States (Ketchum, 1993, p. 172). And so it is today. Our inquiries and actions as civic educators, students, and citizens still must be centrally concerned with conjoining the sometimes, but not necessarily, contradictory factors of public and private goods, of community and individuality, of majority will and minority rights, and of unity and diversity. This kind of inquiry requires that we reject the rigid polarity of either/or thinking and favor the flexible more or less way of thinking, to balance and blend opposing forces that must be successfully joined to sustain a free society.

In our pursuit of this never-ending inquiry on constitutionalism, we might tend to emphasize individualism, pluralism, and private rights more than majoritarianism and public community, as some Americans have done since the founding era. Or we might tend more toward the side of community, unity, and public duty through strong democratic participation for the common good as other Americans have done from the 1770's until today. Or we might create new combinations of these ideas to seek new blends and balances in our quest to conjoin community and individuality in our constitutional order.

The wisdom of our choices will, to a great extent, depend upon the quality of civic education available to all of our citizens. And our destiny as a people certainly will turn on the wisdom of our constitutional choices. So, systematic, ongoing, and challenging critical inquiry, about the core ideas and issues of American constitutionalism, is *the ultimate imperative* of civic education for democracy. We must teach our students that our constitutional tradition is unfinished and imperfect. We must challenge them to continue the constitutional debates begun during the founding era toward the end of sustaining the best in our constitutional tradition and improving upon the rest.[15]

References

Adams, John. "Thoughts on Government," in *Roots of the Republic: American Founding Documents Interpreted*, edited by Stephen L. Schechter. Madison, WI: Madison House, 1990, pp. 129–141.

Anastaplo, George. *The Constitution of 1787: A Commentary*. Baltimore: The Johns Hopkins University Press, 1989.

Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, MA: Harvard University Press, 1992. (Enlarged Edition).

Barber, Benjamin R. *An Aristocracy of Everyone: The Politics of Education and the Future of America*. New York: Ballantine Books, 1992.

Barber, Benjamin R. *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press, 1984.

Bellah, Robert N., et al. *The Good Society*. New York: Alfred A. Knopf, 1991.

Berns, Walter. *Taking the Constitution Seriously*. Lanham, MD: Madison Books, 1992.

Butts, R. Freeman. *The Civic Mission in Educational Reform*. Stanford, CA: Hoover Institution Press, 1989.

Carey, George. *The Federalist: Design for a Constitutional Republic*. Urbana: University of Illinois Press, 1989.

Cooke, Jacob, editor. *The Federalist* by Alexander Hamilton, James Madison, and John Jay. Middletown, CT: Wesleyan University Press, 1961.

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[15] Donald Lutz (1988, pp. 167–170) reminds us that public debate on the meaning and practices of American constitutionalism is an unfinished and open-ended project. Lutz challenges us to confront and cope with "an unfinished constitutional tradition, which is rooted in the American founding era and its colonial-era antecedents.

Diamond, Martin. *The Founding of the Democratic Republic*. Itasca, IL: F. E. Peacock Publishers, 1981.

Galston, William A. *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. New York: Cambridge University Press, 1991.

Hall, Kermit L., editor. *The Oxford Companion to the Supreme Court of the United States*. New York: Oxford University Press, 1992.

Ketchum, Ralph. *Framed for Posterity: The Enduring Philosophy of the Constitution*. Lawrence: University Press of Kansas, 1993.

Koch, Adrienne, editor. *Notes of Debates in the Federal Convention of 1787 Reported by James Madison*. New York: W. W. Norton & Company, 1987.

Leming, James. "Research on Social Studies Curriculum and Instruction," in *Review of Research in Social Studies Education, 1976–1983*, edited by William B. Stanley. Washington, DC: National Council for the Social Studies, 1985.

Lutz, Donald S. *The Origins of American Constitutionalism*. Baton Rouge: Louisiana State Press, 1988.

Macedo, Stephen. *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism*. New York: Oxford University Press, 1990.

Morgan, Edmund S. *The Birth of the Republic, 1763–1789*. Chicago: The University of Chicago Press, 1977.

Morgan, Edmund S. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York: W. W. Norton & Company, 1988.

Mullis, Ina, et al. *Accelerating Academic Achievement: A Summary of 20 Years of NAEP*. Princeton, NJ: Educational Testing Service, 1990.

Muravchik, Joshua. *Exporting Democracy: Fulfilling America's Destiny*. Washington, DC: The AEI Press, 1992.

Myrdal, Gunnar. *An American Dilemma*. New York: Harper & Brothers, 1944.

National Assessment of Educational Progress. *The Civics Report Card*. Princeton, NJ: Educational Testing Service, 1990.

O'Connor, Alice, Mary L. Henze, and W. Richard Merriman. *Rediscovering the Constitution: A Reader for Jefferson Meeting Debates*. Washington, DC: Congressional Quarterly, Inc., 1987.

Paine, Thomas. *Common Sense*, edited by Isaac Krammick. Middlesex, England: Penguin Books, 1976.

Palmer, R. R. *The Age of the Democratic Revolution, 1760–1800*. Princeton, NJ: Princeton University Press, 1959.

Peterson, Paul. "Antifederalist Thought in Contemporary American Politics," in *Anti-Federalism*, edited by Josephine F. Pacheco. Fairfax, VA: George Mason University Press, 1992, pp. 111–132.

Richards, David A. J. *Foundations of American Constitutionalism*. New York: Oxford University Press, 1989.

Schechter, Stephen L., editor. *Roots of the Republic: American Founding Documents Interpreted*. Madison, WI: Madison House Publications, 1990.

Schwartz, Bernard, editor. *The Roots of the Bill of Rights*. Five Volumes. New York: Chelsea House, 1980.

Sinopoli, Richard C. *The Foundations of American Citizenship: Liberalism, the Constitution, and Civic Virtue*. New York: Oxford University Press, 1992.

Storing, Herbert S., editor. *The Anti-Federalist: Writings by the Opponents of the Constitution*. Chicago: The University of Chicago Press, 1981.

Storing, Herbert S. *What the Anti-Federalists Were For*. Chicago: The University of Chicago Press, 1981.

Sunstein, Cass R. "Constitutions and Democracies," in *Constitutionalism and Democracy*, edited by Jon Elster and Rune Slagstad. New York: Cambridge University Press, 1988.

Von Laue, Theodore H. *The World Revolution of Westernization: The Twentieth Century in Global Perspective*. New York: Oxford University Press, 1987.

Appendix I-6

The Constitution on Race, Gender, and Religion

Questions of race, gender, and religion are frequently discussed today in the context of the American founding. But popular perceptions of what the Constitution does or does not say in regard to these issues are often the result of overly simple interpretations. We must remember that eighteenth- and nineteenth-century Americans grappled with the same issues: The words of Frederick Douglass, Abraham Lincoln, and the Founders themselves are directly relevant to civil rights debates in our own time.

In the essay that follows, constitutional scholar Robert Goldwin interprets the "silences" in the Constitution not as defects, as some modern critics contend, but as strengths. He restores the three-fifths compromise to its historical context; he points out the seldom-realized significance of the Nineteenth Amendment; and he demonstrates that the prohibition of religious tests helped to strengthen the principle of religious tolerance. A close reading of Goldwin's discussion of the Constitution's "unspoken principles" ensures a stronger comprehension of the far-reaching implications of these principles and of their abiding importance.

The bicentennial we celebrated in 1987 honored the Constitution written in 1787, that is, the original, unamended Constitution. Some well-meaning citizens denounced celebrating or even praising that Constitution. They contended that its many severe defects should be considered a matter of national shame. For example, lacking the Thirteenth Amendment, the

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Note: Robert A. Goldwin has taught political science at the University of Chicago and Kenyon College and was dean of St. John's College in Annapolis, Maryland. He served in the White House during the Ford administration as special consultant to the president, in the Pentagon as advisor to the secretary of defense, and in Brussels as special advisor to the U.S. ambassador to NATO. Editor or coeditor on more than a score of books on American politics, Mr. Goldwin has also written numerous articles in journals and magazines on human rights, higher education, political philosophy, the law of the sea, and the Constitution of the United States. Among the books he has coedited are *How Democratic Is the Constitution, How Capitalistic Is the Constitution?* and *How Does the Constitution Protect Religious Freedom?*

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original Constitution permitted slavery to continue; lacking the Nineteenth Amendment, it did not secure the right of women to vote; and, lacking the First Amendment, it provided no protection for religious freedom, not to mention other rights. Why, they ask, should we celebrate a constitution that treated blacks as less than human, that left women out, and that did not combat religious intolerance?

These charges would be distressing if true, but fortunately they are false. They stem from a misreading of the document, a misreading that comes from not appreciating the importance of knowing how to read the original Constitution on subjects it does not mention.

Why bother with subjects not mentioned? Because we have no choice. The list of unusually important subjects the Constitution does not mention is very long. The fact that they are not mentioned has not prevented cases and controversies from arising, nor has it relieved courts and legislatures of the duty of determining what is constitutional with regard to them. The words "education" and "school," for example, do not occur in the Constitution, but even so the courts have been busy for decades deciding school controversies. There is no mention of labor unions, corporations, political parties, the air force, radio and television broadcasting, telecommunications, and so on, but the courts deliberate constitutional controversies on these subjects all the time. The list of subjects not mentioned in the text of the Constitution also includes words like "abortion," "contraceptives," and "sodomy" and phrases like "right to privacy," "substantive due process," "separation of powers," and the "high wall separating church and state"—all matters on which the Supreme Court has pronounced.

The inescapable fact is that many subjects not mentioned in the Constitution must be interpreted, unavoidably, by anyone for whom the meaning of the Constitution is important. My argument is that there are valuable lessons to be learned about how we are constituted as a nation and what in the original Constitution is worth celebrating, by devoting serious attention to subjects not mentioned in it. For that purpose, I propose close attention to three such subjects—blacks, women, and Jews.

What to do about black slavery was a major concern in the Constitutional Convention; it was discussed at length in the debates, with frequent direct reference to both slavery and race. But neither term was mentioned when it came to the writing. No words indicating race or color, black or white, occur in the text of the Constitution, and neither do the words "slave" or "slavery." Circumlocutions are used in the text to avoid the use of any form of the word "slave": for example, "person held to service or labor," and "such persons as any of the States now existing shall think proper to admit."

In fact, the word "slavery" entered the Constitution for the first time after the Civil War, in the Thirteenth Amendment, which thereafter prohibited slavery anywhere in the United States. The words "race" and "color" were first used in the Fifteenth Amendment for the purpose of securing the right of all citizens to vote. The words "black" and "white" have never been part of the Constitution.

What difference does it make, one may well ask, that the words were not used, if the ugly fact is that black slavery existed and was given constitutional status? Consider, for example, perhaps the most notorious and most misunderstood constitutional provision relating to black slavery, the famous "three-fifths clause."

As Benjamin Hooks, executive director of the National Association for the Advancement of Colored People, put it in criticism of the original Constitution: "Article I, section 2, clause 3 of the Constitution itself starts off with a quota: three-fifths. That is how folks were counted in that original Constitution." That provision, Hooks said, "establishes black folk—they did not call us that, they had a very good way of saying it—as three-fifths of a person."[1] Hooks is not alone in this view. The historian John Hope Franklin has written of this same clause that the founders "degraded the human spirit by equating five black men with three white men";[2] and the constitutional law professor Lino Graglia contends that the provision "that a slave was to be counted as three-fifths of a free person for purposes of representation" shows "how little the Constitution had to do with aspirations for brotherhood and human dignity."[3]

These three agree in expressing the widely held view of this clause that, for the founders, blacks were less than human, somehow or other only a fraction of a human being. The constitutional clause they are referring to reads as follows:

> Representatives and direct taxes shall be apportioned among the several States . . . according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of

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[1] *Constitutional Controversies*, ed. Robert A. Goldwin, William A. Schambra, and Art Kaufman (Washington, D.C.: American Enterprise Institute, 1987), pp. 101, 104.

[2] John Hope Franklin, "The Moral Legacy of the Founding Fathers," *University of Chicago Magazine* (Summer 1975), pp. 10–13.

[3] Lino A. Graglia, "How the Constitution Disappeared," *Commentary* (February 1986), p. 23.

years, and excluding Indians not taxed, three-fifths of all other persons.

In short, count all of the free persons and indentured servants, do not count the Indians, and then add three-fifths of the slaves. The question is what, if anything, does that provision tell us about what the founders thought about slavery and about blacks as blacks and as human beings?

James Madison said in the convention that slavery was the central problem. Southern delegates emphasized that there was no chance of union including the South without accepting the long established existence of slavery in the slaveholding states. But slavery was a flat contradiction of the principles of the Declaration of Independence, the principles that are the bedrock of the Constitution—the primacy of the rights of individuals, their equality with respect to their rights, and the consequence that the consent of the governed is the only legitimate source of political power. Almost all the delegates were fully aware that slavery profoundly contradicted these principles and therefore had no proper place in the Constitution.

If on the one hand the continuation of slavery was unavoidable, and on the other hand it was a contradiction of the most fundamental principles of the Constitution the delegates wanted and thought necessary, what could principled antislavery delegates do? One effective and consistent thing they could do was try to make the political base of slavery as weak as possible, to diminish its influence and improve the chances of eradicating it some time in the future.

The struggle that took place in the convention was between Southern delegates trying to strengthen the constitutional supports for slavery and Northern delegates trying to weaken them. That issue—the initial and subsequent political strength of slavery—was in contention on the question of representation in the House of Representatives. It was agreed that every state, regardless of size, would have two senators. But the number of representatives from any state would be apportioned according to its population, and that raised the question of whom to include in the count.

Slave-state delegates were in favor of including every slave, just as they would any other inhabitant. Madison's notes indicate that the delegates from South Carolina "insisted that blacks be included in the rule of representation, equally with the Whites."

On the other side, delegates from the nonslave states were opposed to counting the slaves, because it would give the South more votes and because it made a mockery of the principle of representation to count persons who had no influence whatsoever on the lawmaking process and who therefore were not "represented" in the legislature in any meaningful sense of the word. Counting the slaves for purposes of representation would also give the slave states an incentive to increase their slave population instead of decreasing it. In short, considering the chief purpose of this clause in the Constitution, it is obvious that an antislavery delegate would not want to count the slaves at all.

In the end, two things were done. First, it was agreed to use the census for two opposed purposes: representation and direct taxation. As the count of persons went up in any state, seats in Congress and direct taxes to be paid went up as well; as the count of persons went down, both the number of Congressmen and the direct taxes to be paid went down. Combining these two, and thereby establishing opposing incentives, seems clearly intended to provide a restraint on a state's either getting too much representation or avoiding paying a fair share of direct taxes. The additional compromise was that three-fifths of the slaves would be included in the population count, as the alternative to including all or none.

If none of the slaves had been included, as Northern delegates wanted, the slave states would have had only 41 percent of the seats in the House. If all of the slaves had been included, as Southerners wanted, the slave states would have had 50 percent of the seats. By agreeing to include three-fifths of them, the slave states ended up with 47 percent—not negligible, but still a minority likely to be out-voted on slavery issues.[4]

However the slavery provisions look to us today, they had to be explained to concerned citizens in the South as well as the North. Charles Pinckney reported to the South Carolina ratifying convention that he thought they had "made the best terms for the security of [slavery] it was in our power to make. We would have made better if we could, but on the whole, I do not think them bad." At the same time, Northern delegates were saying the opposite in a very similar fashion. James Wilson reported to the Pennsylvania ratifying convention that he thought they had succeeded in "laying the foundation for banishing slavery out of this country," but he regretted that "the period is more distant than I could wish."

In brief, both North and South, in trying to weaken or strengthen slavery, had sought more and gotten less than each had wanted, but for the sake of union had accepted a result that was "not bad."

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[4] This factual information is drawn from William Wiecek, "The Blessings of Liberty: Slavery in the American Constitutional Order," in Robert A. Goldwin and Art Kaufman, eds., *Slavery and Its Consequences: The Constitution, Equality, and Race* (Washington, D.C.: American Enterprise Institute, 1988), p. 31. Wiecek uses these facts, however, to come to quite opposite conclusions from mine.

The struggle between proslavery and antislavery forces for control of Congress, begun in the Constitutional Convention and continued relentlessly for more than seventy years thereafter, was the major cause of the Civil War and persisted long after that war and the constitutional amendments that followed it had ended slavery.

But to understand what the original Constitution had to say about blacks, the point is that the three-fifths clause had nothing at all to do with measuring the human worth of blacks. *Northern* delegates did not want black slaves included, not because they thought them unworthy of being counted, but because they wanted to weaken the slaveholding power in Congress. *Southern* delegates wanted every slave to count "equally with the Whites," not because they wanted to proclaim that black slaves were human beings on an equal footing with free white persons, but because they wanted to increase the proslavery voting power in Congress. The humanity of blacks was not the subject of the three-fifths clause; voting power in Congress was the subject.

Thus, the three-fifths clause is irrelevant to the question of what the founders thought of the slaves as human beings. What is relevant are two indisputable facts: in the original Constitution there is no mention of color, race, or slavery, and nowhere in it are slaves called anything but "persons."

There is nothing new in the point that the original Constitution does not mention slavery. Luther Martin, a Maryland delegate to the Constitutional Convention who opposed ratification, explained to the Maryland legislature in 1787 that the authors of the Constitution did not use the word *slave* because they "anxiously sought to avoid the admission of expressions which might be odious in the ears of Americans."[5] And the great black leader and orator Frederick Douglass commented on this silence in 1852, arguing against the "slander" on the memory of the founders that the original Constitution was proslavery. "In that instrument," he said, "I hold there is neither warrant, license, nor sanction of the hateful thing." And a major element of his evidence is that "neither *slavery*, *slaveholding*, nor *slave* can anywhere be found in it. . . . Now, take the Constitution according to its plain reading, and I defy the presentation of a single pro-slavery clause in it."[6]

These two very different speakers, Luther Martin and Frederick Douglass, knew this fact about the silence of the Constitution about slavery, and so did many, many others. But apparently it needed to be pointed out in their times, and it needs to be pointed out today. And especially when we recall that there is an equal silence about race, do we see the importance of reminding ourselves about this point that seems to have been forgotten or persistently ignored by most Americans, even by unusually knowledgeable ones like Benjamin Hooks and John Hope Franklin.

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[5] Luther Martin, "Genuine Information" (delivered to the Maryland legislature, November 29, 1787), in Max Farrand, ed., *The Records of the Federal Convention* (New Haven: Yale University Press, 1937), Vol. 3, pp. 210–12.

[6] Frederick Douglass, "Fourth of July Oration, July 5, 1852," in Herbert J. Storing, ed., *What Country Have I?* (New York: St. Martin's Press, 1970), p. 37.

Despite the existence of slavery and the persistence of it for seventy-five years more, the founders left us with a constitutional document that has accommodated a very different order of things with regard to the place in our society of the descendants of former slaves. I do not contend that delegates foresaw the present-day consequences of emancipation, that the descendants of black slaves would become voting citizens and officeholders throughout the nation. But the founders left in their text no obstacles to the profound improvements that have come about. After the addition of the amendments abolishing slavery, the text retained no residue of racism, however much of it may remain in the society itself.

Therefore when the time came to terminate official segregation, we had to purge the racial provisions from federal regulations like those segregating the armed forces, and from state constitutions and state and local laws—but not from the Constitution of the United States. In fact, lawyers and judges were able to argue for profound changes by asserting that they were in accord with and demanded by the Constitution. We did not have to change it to fit new circumstances and times. Instead, the argument could be made, and was made, that conditions had to be changed to fit the Constitution. In that historic national effort, it made a very great difference that there was no racism in the original Constitution.

We must acknowledge that there was indeed intense and widespread racism among Americans, which helped to sustain for so long the vicious system of black slavery and its century-long aftermath of racial segregation, discrimination, persecution, and hatred. How best can we understand the meaning of this disjunction between the racism in the society and the absence of it in the written Constitution?

If a written constitution is not in close accord with the way the society itself is constituted, it will be irrelevant to the everyday life of the people. A constitution will be a failure if it is no more than a beautiful portrait of an ugly society. But it must be more than an accurate depiction of how the society is constituted. A good constitution provides guidance and structure for the improvement of the society. A good constitution is designed to make the political society better than it is and the citizens better persons. It must be enough like the institutions and the people to be relevant to the working of the society, but it should also have what might be called formative features, a capacity to make us better if we live according to its provisions and adhere to its institutional arrangements. The constitutional goal for Americans would be to develop a nation of self-governing, liberty-loving citizens in a new kind of political society where the fundamental rights of all would be secure—and that would mean a society where slavery would have no place.

In that informative way of thinking about the task of constitution writing, it seems entirely possible that the most foresighted and skillful of the founders sought to make a constitution that—while accepting and even protecting slavery for a time as an unavoidable evil, the price to pay for union—tried to make provisions for its ultimate extinction. They even gave thought to the constitutional preparations for a better society that would eventually be free of slavery. In that respect the original Constitution was better than the political society it constituted.

We would face a very different situation in our own time if there had been in the original Constitution any evidence of the kind of thinking ascribed to the founders by Chief Justice Taney in the Dred Scott case. Taney said that the founders thought that blacks were not included in the declaration that "all men are created equal," and that blacks were "so far inferior, that they had no rights which the white man was bound to respect." But Taney was wrong; there is no such racism to be found in the Constitution, then or now, not a word of it. Those who wrongly assert, however laudable their motives, that the "three-fifths clause" was racist, that it somehow denied the humanity of blacks, do a disservice to the truth and also to the Constitution, to the nation, and to the cause of justice and equality for black Americans.

The fact that blacks are not mentioned in the original Constitution requires some explanation because there are several provisions obviously concerning black slavery. But no such explanation is required in the case of women. Not only are women not mentioned in the original Constitution, there is no provision anywhere that applies to women as a distinct group. To the best of my knowledge, there is no evidence that the subject of women was ever mentioned in the Constitutional Convention.

This has led to the charge, heard frequently during the prolonged debate over the proposed Equal Rights Amendment, that "women were left out of the Constitution." The fact is, however, that women were not left out; they have always been included in all of the constitutional protections provided to all persons, fully and equally, without any basis in the text for discrimination on the basis of sex. How were they included without being mentioned?

The place to start is that famous provision we considered previously, Article I, section 2, clause 3, describing who will be counted for purposes of representation in the House of Representatives. The phrase "the whole number of free persons" is chiefly where the women are, but they are also among "those bound to service for a term of years," and even among taxed Indians and "all other persons." It is remarkable that they are not excluded from any one of these groups because, in 1787, women did not vote or hold office anywhere in the United States and were excluded from every level of government. What would be unremarkable, and typical of the time, would be a clear exclusion of women.

In the Northwest Ordinance, for example, we encounter provisions of this sort:

> So soon as there shall be five thousand free *male* inhabitants, of full age, in the district . . . they shall receive authority . . . to elect representatives . . . to represent them in the general assembly . . . Provided also, that a freehold in fifty acres of land . . . shall be necessary to qualify *a man* as an elector of a representative. [Emphasis added.]

Under the terms of this famous ordinance, written in the same year as the Constitution and reaffirmed by the first Congress, which included James Madison and many other delegates to the Constitutional Convention, those who are counted for purposes of representation are men only, and voters are spoken of directly as men. That was, for the time, not at all exceptional. What is exceptional is the provision in the Constitution that everyone shall be counted. "The whole number of free persons" includes males and females. In the original Constitution, unlike the Northwest Ordinance, the words "man" or "male" do not occur, nor does any other noun or adjective denoting sex. By not mentioning women or men and speaking instead only of persons, the Constitution must mean that every right, privilege, and protection afforded to persons in the Constitution is afforded equally to female persons as well as male persons.

The terms used throughout the original Constitution are consistently what are now called nonsexist: for example, "electors," "citizens," "members," "inhabitants," "officers," "representatives," "persons." There are pronouns—"he," "his," and "himself"—but in the entire text of the original Constitution, as I have said, there is not a single noun or adjective that denotes sex.

There are some who think that because of these pronouns, all masculine, the founders meant that only men were to hold national office, and most certainly the presidency. But it can be shown that the text itself presents no obstacle whatever to having a woman in the office of president or any other national office, because these pronouns can clearly be read as generic or neutral or genderless—or whatever we call a pronoun capable of denoting either sex.

The Constitution says of the president, "*He* shall hold *his* office during the term of four years" (the emphasis here and throughout this section is added). It says that when a bill passed by Congress is presented to the president, "if *he* approves *he* shall sign it, but if not *he* shall return it," etc. There are similar usages of the pronoun for the vice president and for members of Congress. Are those pronouns exclusively masculine and therefore a definitive indication that the offices are to be held by men only, or could they be genderless pronouns, leaving open the possibility that the antecedent is meant to be either a man or a woman? If the latter is the case, as is my contention, then there is no obstacle in the Constitution, and there never has been, to a woman's occupying any office under the Constitution of the United States, including the presidency, and every protection and every right extended to men by the Constitution is extended equally to women.

My argument rests on several provisions where the masculine pronouns must certainly be read as referring to women as well as men. Consider Article IV, section 2, clause 2, providing for the return of fugitives from justice. "A person" charged with a crime who flees from justice and is found in another state shall be delivered up on demand of the governor of the State from which *he* fled . . ." If the "he" in this clause is assumed to mean men only, and not women, we get the absurd result that male fugitives from justice must be returned to face criminal charges, but not female fugitives.

We find similar examples in the amendments. The Fifth Amendment provides that "no person . . . shall be compelled in any criminal case to be a witness against *himself*." The Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against *him*; to have compulsory process for obtaining witnesses in *his* favor, and to have the assistance of counsel for *his* defense." Will anyone seriously contend, just because the masculine pronouns are used here, that these protections were extended only to males accused in criminal prosecutions, and that the Constitution means that accused women cannot claim the same rights to confront their accusers, to compel the presence of witnesses, to be represented by defense lawyer, and to be protected against self-incrimination?

All these examples demonstrate the absurdity of interpreting the masculine pronouns as applying to men only. And if the masculine pronouns in these provisions are genderless, then it is at least plausible that the same pronouns are genderless when used elsewhere in the same text. And if they are, and since, in fact, there is not one noun or adjective in the Constitution as ratified that in any way refers to sex, we must conclude that women are included in the Constitution, on an equal footing with men, as persons, citizens, electors, etc.—and always have been.

We are speaking, of course, of a written document, the text of the original Constitution, which is not the same as asserting that women enjoyed political equality in practice in 1787, or for a long time thereafter. Women's suffrage in the United States seems to have begun in 1838, when women in Kentucky voted in school elections. Women voted on an equal basis with men for the first time anywhere in the United States in 1869, in the Wyoming Territory. But as late as 1914, only ten more states, in addition to the state of Wyoming, had accorded women the right to vote. It was not until the Nineteenth Amendment was ratified in 1920 that the right to vote was made secure for women. That amendment provides that: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

First we must observe that this addition to the Constitution, amended nothing and was intended to amend nothing in the Constitution of the United States. No provision in the text had to be changed or deleted, because there was never any provision in the Constitution limiting or denying the right of women to vote. The barriers to voting by women had always been in the state constitutions or laws.

It may very well be that the founders never contemplated the possibility of a woman as president, or even of women voting on an equal basis with men. Nevertheless, the text they adopted and that the American people ratified presents no obstacle whatsoever to the changes that have occurred.

The significance of not being mentioned in the Constitution becomes clearest when we consider the last of the three unmentioned subjects—Jews. Most of us, when we think of the Constitution and freedom of religion, think of the double security provided by the First Amendment, against "an establishment of religion" and for the "free exercise thereof." These protections were not, of course, part of the original Constitution. The original Constitution mentions religion just once, but that one provision is remarkable. Article VI, section 3, says simply that "no religious test shall ever be required as a qualification to any office or public trust under the United States."

Jews had suffered persecution almost everywhere in the world for millennia. Universally despised, they had been beaten, tortured, murdered, and hounded from country to country and even from continent to continent. The best they enjoyed, here and there, now and then, was a find of safeguarded second-class status, where by one sort of decree or another they were permitted to engage in certain professions or businesses, or to live unmolested behind walls and gates in one or another section of a city. But these occasionally favorable arrangements were always precarious and often short-lived, never theirs by right but only by indulgence, not because they were entitled to decent treatment as citizens or subjects but because someone in authority had reason to protect them. Never did they have the security of political rights, not to mention the political power that comes with voting and holding office.

The question of religious tests was an old one in America and had been deliberated in every state from the moment of independence, and even before. At the time of the founding, almost every state had some form of religious test, but Jews were not the only target or even the main one. The chief concern was to bar Catholics in predominantly Protestant states, to bar some sects of Protestants in other states, and incidentally to exclude the very small numbers of "Jews, Turks, and infidels," as the saying went.

There were religious tests in the constitutions of at least eleven states, but the tests varied. Delaware required state officers to swear a Trinitarian oath; Georgia required that they be of the Protestant religion; Maryland demanded belief "in the Christian religion"—thus including Catholics as well as Protestants, but excluding Jews and nonbelievers; and New York discriminated against Catholics but did not bar Jews from holding office.[7]

Against this background we see the history-making significance of the provision prohibiting religious tests in the Constitution. Religious toleration was amazingly prevalent in America, given the intensity of religious conviction observable everywhere, but political equality for members of different religious groups was rare. That is, provisions for the free exercise of religion were common in the state constitutions; but political equality was a different story. The free exercise of religion happened in church or synagogue; it did not ensure the right to vote or hold office. Nevertheless, for whatever reasons, in a nation that had almost universal religious testing for state offices, the delegates proposed and the states ratified a constitution barring religious tests for holding national office.

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[7] Morton Borden, *Jews, Turks, and Infidels* (Chapel Hill: University of North Carolina Press, 1984), pp. 11–13.

Add to this the less easily discernible fact that Jews are not mentioned in the Constitution. As we view things now, that Jews are not mentioned is no more remarkable than that Baptists or Roman Catholics or Muslims or any others are also not mentioned. But Jews had never been treated simply as "persons," let alone "citizens," anywhere in the world for more than 1,500 years. By not mentioning them, that is, by not singling them out—the Constitution made Jews full citizens of a nation for the first time in all Diaspora history. By this silence, coupled with the prohibition of religious tests, the founders "opened a door" to Jews and to all other sects as well.

Unspoken Principles

The Constitution of the United States is unusual, and perhaps unique, among the constitutions of the world in the way that it protects the rights of the people. The unspoken principles—at least unspoken in the Constitution—are that rights are inherent in individuals, not in the groups they belong to; that we are all equal as human beings in the sense that no matter what our color, sex, national origin, or religion, we are equal in the possession of the rights that governments are instituted to protect; and that as a consequence, the only source of legitimate political power is the consent of the governed. Because these principles, all stemming from the primacy of individual rights, are the unmentioned foundation of the Constitution, it is not only unnecessary to mention race, sex, or religion, it is inconsistent and harmful.

In short, the reason no group of any sort included in the nation it founded is mentioned in the Constitution—originally and now—is that the founders designed a better way to make sure that no one was left out, and that everyone was included on a basis of equality.

To anyone who asks why we should celebrate this Constitution, let that be the answer.

Unit II

The Courts and the Governmental Process

(See page 103–104 of the *History–Social Science Framework.*)

Suggested Time for the Unit: 15 class periods

Topics in Unit II:	**Suggested Time:**
■ The role of the courts as a major element in the governmental process; history of the Supreme Court	1 class period
■ The Supreme Court and the First Amendment: case studies (e.g., free speech, religious liberty, separation of church and state, academic freedom, right of assembly)	6 class periods
■ The Fourteenth Amendment: due process and equal protection clauses	4 class periods
■ The evolution of civil rights and civil liberties	4 class periods

Sample Topic:	**Suggested Time for the Topic:**
The Supreme Court and the First Amendment: a case study (free speech)	3–4 class periods

Uses and Significance of the Topic

The *History–Social Science Framework* recommends that this unit include case studies of specific issues, such as free speech, religious liberty, separation of church and state, academic freedom, and the right of assembly. The sample topic for this course model focuses on freedom of speech or expression.

It is vital that students understand that the federal courts that act to protect our rights do so as a part of the governmental machinery established by the Constitution as a whole. Students often gain an erroneous impression that the Bill of Rights alone protects an individual's rights. However, the Bill of Rights can provide no such protection without the enforcement powers of the Constitution. That is, the Bill's effectiveness depends on the three branches of government set up by the Constitution. Thus, the Bill of Rights is only one focal point for a study of how rights are legally protected.

Constitutional scholar Robert A. Goldwin extends this point in his thoughtful essay "What Is a Bill of Rights, and What Is It Good For?" He asserts:

> No American who loves liberty would be willing to repeal the First Amendment, but we should be clear that by itself it cannot protect our rights of religion, speech, press, assembly, and petition. The Soviet Constitution of 1977, to give only one example from scores of such constitutions, had a list of rights that included all those in the Bill of Rights and many more and in addition guaranteed those rights in a way that the American Constitution does not attempt. Yet we know that the exercise of the rights of religion, speech, press, petition, and assembly in the Soviet Union was insecure, if not nonexistent.[1]

Students need to understand the importance of America's federal, constitutional democracy as well as the list of rights that opens the Constitution. Students also need to know how an attentive citizenry, wise in its knowledge of the nation's history and founding documents, acts as a guardian of cherished rights, through good times and bad. A passive and complacent public may tolerate a bad law passed by a self-serving Congress and permitted by a compliant Court: it is not necessary to touch the Bill of Rights in order to effectively violate individual freedoms. For this reason, it is essential that students understand the ongoing relevance of historical debates and concepts and realize that they constitute the core of many controversies today. (For further discussion on this issue, teachers are referred to the essay "Constitutionalism in Education for Democracy" by John Patrick, appearing as Appendix I-5 of these course models, and to *Federalist Paper Number 85*.)

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[1] From *South Africa's Crisis of Constitutional Democracy: Can the U.S. Constitution Help?* Edited by Robert A. Licht and Bertus de Villiers. Washington, D.C.: The AEI (American Enterprise Institute) Press, 1994, p. 153.

The sample topic helps students understand their stake in the preservation of freedom of expression by relating the issue to examples drawn from school life. The topic emphasizes the effect of the Constitution and the Bill of Rights on everyday lives; promotes the understanding that present laws have resulted from the debates, trials, and sacrifices of ordinary people; and encourages students to become participating citizens as a means of maintaining and protecting rights. By studying issues on a personal level, students will better understand the role of the courts both in interpreting the meaning of the Bill of Rights and in defining the limitations that can be placed on expression. Students will also better understand the struggle courts have faced when balancing the right of free expression and the responsibility of government to provide an orderly environment in which basic services can be provided. Students will be asked to examine significant cases related to freedom of expression and to make critical evaluations of the extent to which such free expression can and should be permitted.

Presentation and Activities

A

Beginning the Topic

The teacher reads the First Amendment to the class. Student are asked to analyze the wording of the amendment. What guarantees are protected by the amendment? The teacher informally surveys the class regarding the First Amendment's right of free expression: When, if ever, should a person's right to free speech be curtailed? Should restrictions be placed on freedom of expression during times of war or civil disorder?

After responding to the survey, students discuss the pros and cons of unlimited free expression. As a homework assignment, students administer a survey to fellow students and to adults they know on what should be permitted and prohibited under the First Amendment's protection of freedom of expression. Teachers may use or adapt the survey provided in Appendix II-1, or the class may develop its own survey. On the following day, a brainstorming activity is conducted to glean information gathered from the surveys. A list is made of the examples of rights needing protection under the First Amendment; another list is made of instances in which freedom of expression may have been taken too far. Were the responses of adults different from those of students?

The students receive copies of a case study of *Tinker v. Des Moines* (1969), on symbolic free speech (Appendix II-2). Students analyze the key issues in this case and compile a list of similar incidents of symbolic free speech. *May It Please the Court*, listed in the "Resources for the Sample Topic," incorporates an audiotape of the actual oral arguments and questioning in *Tinker v. Des Moines*.

South wall and bench in the Supreme Court chambers. Photographed by Franz Jantzen. Collection of the Supreme Court of the United States. Reprinted by permission.

Developing the Topic

Students read Appendix II-3, a hypothetical case regarding a student who is suspended from school for wearing a T-shirt that glorifies satanic rituals. When the simulation is introduced, students are told they will be using information gleaned from the *Tinker* case as well as other cases they will research during the simulation. Appendix II-4 lists several cases dealing with First Amendment issues; other cases may be added as desired.

The class is divided into three groups:

- **Judicial group**

  This group assumes the role of justices of the Supreme Court. Students research the significant First Amendment cases (see Appendix II-4) and write an opinion after reading the briefs and reviewing oral arguments presented in the case. Students forming this panel may interrupt oral arguments at any time with questions. Students may write a dissenting opinion, or they may support the majority decision but present a different argument based on their applications of case law.

- **Plaintiff group**

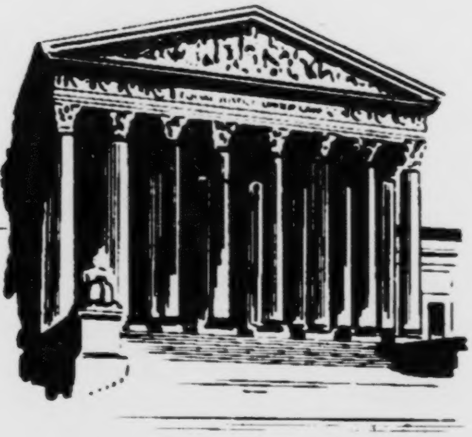
  This group prepares a brief presenting the precedents and arguments supporting the student's right to wear the T-shirt. The group makes an oral presentation of these arguments to the Court, each member presenting a different aspect of the case.
- **Defendant group**

  This group prepares a brief supporting the school administration's position and makes an oral argument to the Court. As in the plaintiff group, each member of the group presents a different aspect of the case.

If the size of the class requires another group, a reporters group observes the simulation in action, interviews persons involved with the case, critiques the procedure, and publishes its findings. Thus, the freedom and power of the press (for good or ill) become factors students must take into account in the public's perceptions of the case.

Steps in the simulation include:

1. Students working in their groups read and discuss key constitutional issues involving symbolic free speech.
2. Students write briefs and prepare for oral arguments.
3. The moot court case is presented.
4. Judges write and present their opinions to the class.
5. The moot court case is debriefed.



Students must be purposeful and focused in their preparation to complete all steps in the time allotted.

Debriefing is a vital part of the moot court simulation. The class should be led in discussing the issues raised in the briefs and the oral arguments, as well as the reasons for the court's decision. Students speculate on how the case might have turned out if it had been heard by the current U.S. Supreme Court. For the debriefing activities, teachers may consider using *May It Please the Court*, audiotape 3 (see "Resources for the Sample Topic"). How does the excerpt from the *Tinker v. Des Moines* segment differ from the moot court simulation? To what extent were the arguments similar?

The simulation activity can be an effective one for Chapter 1 and migrant students, especially when used as a preparatory activity to hearing passages from *May It Please the Court*.

The moot court simulation is recommended as a means of assessing group performance. Scoring standards are developed and shared before the simulation begins. Self-evaluations and/or peer evaluations may also constitute one part of the final assessment.

C

Culminating the Topic

The topic concludes with a writing exercise to evaluate each student's understanding of the issues involved in symbolic free speech and First Amendment guarantees. This takes the form of a position paper in which students identify the issue presented in the simulation and explain their personal positions based on arguments that were presented by classmates and on materials gleaned from group work. The papers constitute an individual performance assessment and are included in students' history–social science portfolios.

Extended and Correlated Activities

Students may develop a readers' theater script based on individuals involved in the case. Peter Irons's *The Courage of Their Convictions* and Ellen Alderman and Caroline Kennedy's *In Our Defense: The Bill of Rights in Action* are good sources for adaptable material. (See "Resources on Civil Rights and Civil Liberties" and "Resources for the Sample Topic," respectively.)

Students investigate cases and present an in-depth report on the impact of a First Amendment free-speech case to the class. Several students may preview available films and videotapes that deal with free speech and present one film to the class. In this case, students actually teach the class, preparing documents gleaned from court cases to enhance the film and leading class discussions.

Students develop a simulation based on *Hazelwood v. Kuhlmeier*, using *From the School Newsroom to the Courtroom*, published by the Constitutional Rights Foundation (see "Resources for the Sample Topic"). Students may also use audiotapes from *May It Please the Court* as a resource for a moot court on First Amendment cases such as *Cox v. Louisiana* and *Texas v. Johnson* (see "Resources for the Sample Topic").

Students report on the guidelines for free speech and free press that have been adopted in their school district. Students evaluate these guidelines in conjunction with court case readings they have studied.

Teachers may show the feature film *Skokie*, starring Danny Kaye and Eli Wallach, which deals with an American

Nazi Party march through a community of Holocaust survivors. Students write position papers explaining their stands regarding the march. As a culmination of the assignment, students assume the roles of specific individuals (e.g., a Holocaust survivor, a police chief, the mayor, a professor of Constitutional law). The film is available on videocassette through social studies supply houses.

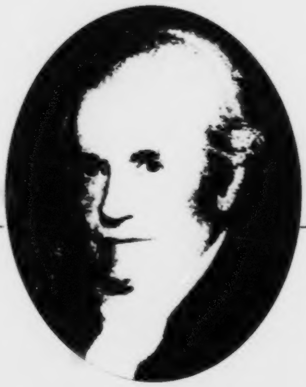
The class designs a set of guidelines for the school librarian and determines criteria for purchasing books for the school library. If preferred, teachers may ask the librarian to explain local policies or the controversial stance of the American Library Association regarding censorship.

Students conduct a mock session of the Senate, debating a proposed constitutional amendment to prohibit flag burning.

Using the daily newspaper or a news magazine, students indicate those articles that likely would not be printed were it not for the constitutionally protected freedoms of speech and the press enumerated in the First Amendment. As an alternate activity, students clip news articles that deal with issues relating to free speech and freedom of expression. Groups can gather articles, editorials, and illustrations that exemplify the First Amendment. The compiled clippings can be arranged as a "Freedom Gazette" and presented to the class as a report.

George Orwell's novel *1984*, regarded as a modern classic, is a futuristic portrayal of a collectivist society. Teachers may correlate the entire work, or perhaps just Chapter 1, with this unit. For example, students can discuss how the "two-minute hate" and the names of various ministries reflect the citizens' loss of basic freedoms. Winston Smith, the novel's main character, keeps a diary, an act punishable either by death or by a quarter-century of hard labor. Why would such a practice extract such a harsh penalty in a collectivist society? What is the significance of Orwell's mention of the college chapel, the purpose of which has been forgotten by undergraduates? How have other futuristic works depicted societies void of freedom and consent of the governed?

Students should consider some of the recent challenges to basic freedoms that are the consequence of new technologies. The United States may be further pressured to modify its ardent devotion to, say, free speech, by newly emerging democracies unwilling to grant such extended liberties. Rodney Smolla's essay "The First Amendment and the Virtues



Chief Justice John Marshall. Photographed by John Martin. Collection of the Supreme Court of the United States. Reprinted by permission.

of an Open Society," which appears in Appendix II-5, offers opportunities for students to discuss and debate key points and to write reflectively. Suggestions for discussion are fully developed at the conclusion of Smolla's essay.

Resources

The following resources represent only a few of the many possible materials and sources that are available. Double asterisks (**) indicate works that are essential for full coverage of the unit; single asterisks (*) indicate works that are deemed important for successful coverage of the unit. For further selections, teachers should consult other bibliographies, such as *Literature for History–Social Science, Kindergarten Through Grade Eight* (Sacramento: California Department of Education, 1991).

Resources for the Sample Topic

Note: Local bar associations, their auxiliaries, district attorneys, city attorneys, judges, and law school professors will sometimes offer their services as speakers or "human resources" for the class. A speaker from a law library can instruct students in finding citations to court cases. The local branch of the California Judiciary Association sometimes is able to assist teachers in developing a judges' forum activity. Consult telephone directories for contacts.

**Alderman, Ellen, and Caroline Kennedy. *In Our Defense: The Bill of Rights in Action.* New York: William Morrow, 1991. The authors examine the historical and legal significance of the Bill of Rights and applications of its guarantees in today's society. The book includes a number of human interest stories gathered as the authors traveled across the country interviewing persons whose lives have been deeply affected by the Bill of Rights.

Bartholomew, Paul C., and Joseph F. Menez. *Summaries of Leading Cases on the Constitution.* Totowa, N.J.: Rowman and Allanheld, 1983. As the title indicates, this book provides summaries of landmark Supreme Court cases, excerpts from majority opinions, and corollary cases.

***Bill of Rights in Action.* This newsletter is published by the Constitutional Rights Foundation, 601 South Kingsley Drive, Los Angeles, CA 90005. It is an excellent source for articles on issues relating to the Bill of Rights. Each newsletter provides self-contained, high-interest minilessons. This resource should be in every teacher's collection.

Civil Liberties. Opposing Viewpoints series. Edited by Julie S. Bach. San Diego, Calif.: Greenhaven Press, 1988. This title in the *Opposing Viewpoints* series contains six articles and a critical-thinking activity on free speech.

**Civitas: A Framework for Civic Education.* Calabasas, Calif.: Center for Civic Education, 1991. *Civitas* is a comprehensive guideline and conceptual framework for the development of a course of study in government and civics. This one-volume reference links essential understandings to specific objectives and suggests activities. This is an exceptional resource for teachers; many of the background readings are also appropriate for students' use. Copies may be ordered from the National Council for the Social Studies Publications, (800) 683-0812.

The Constitution of the United States with Case Summaries. Edited by Edward Conrad Smith and Harold J. Spaeth. New York: Barnes and Noble, 1987. This bicentennial edition on the Constitution includes brief summaries on selected landmark cases associated with the Constitution.

The Contexts of the Bill of Rights. Edited by Stephen L. Schechter and Richard B. Bernstein. Madison, Wis.: Madison House, 1989. The contributors to this collection of scholarly articles on the Bill of Rights are noted authorities in their field. The text includes a bibliographical essay that is extremely helpful for further research.

Dershowitz, Alan M. *Taking Liberties: A Decade of Hard Cases, Bad Laws, and Bum Raps.* Chicago: Contemporary Books, 1988. This is a collection of the author's syndicated articles on issues regarding the rights of citizens. Many of the articles are suitable for students' research on free expression.

Freedom of the Press: A Simulation of Legal Issues in Journalism. Legal Studies Simulations, n.d. This two- to four-hour simulation is designed for an entire class. Students assume roles of reporters, editors, and attorneys in a simulation designed to raise ethical and legal issues related to the First Amendment. This resource is available from social studies supply houses.

From the School Newsroom to the Courtroom. Edited by Marshall Croddy. Los Angeles: Constitutional Rights Foundation, 1989. This publication contains excellent resource materials and lessons on the *Hazelwood* case. The publication also includes a simulation on the issue of a student-run free press.

*Glasser, Ira. *Visions of Liberty: The Bill of Rights for All Americans.* New York: Arcade Publishing, 1991. The author, a champion of civil liberties, collaborates with Bob Adelman, a world-renowned photographer, to present a stirring image of freedom of conscience, fundamental fairness, and equality. The text presents both narrative and pictorial essays that focus on the struggles to achieve and maintain civil liberties in American society. The author is a leader in the American Civil Liberties Union and articulates many of its premises in the book.

Susan B. Anthony

Haiman, Franklyn S. *Freedom of Speech.* Chicago: National Textbook Company, 1983. *Freedom of Speech* is a careful study of Supreme Court decisions relating to the First Amendment guarantee of freedom of expression. It is an excellent sourcebook of cases relating to the First Amendment.

Hall, Kermit L. *By and for the People: Constitutional Rights in American History*. Arlington Heights, Ill.: Harlan Davidson, 1991. Each essay in this collection of essays on historical and contemporary issues related to the Bill of Rights is followed by a list of related Supreme Court cases and an annotated bibliography. This work is appropriate for students. Hall is also the editor in chief of the *Oxford Companion to the Supreme Court of the United States* (Oxford University Press, 1992), which is an excellent sourcebook on the Court.

Hentoff, Nat. *Free Speech for Me But Not for Thee*. New York: HarperCollins, 1993. Hentoff's book shows what is lost when people and institutions try to censor each other. Observing that the "lust to suppress can come from any direction," this journalist writes of the toll extracted by "political correctness" movements on college campuses. Blunt and discomforting, the book highlights how attacks on free speech can come from where many would least expect them. College-bound seniors would benefit from reading this book. For purchasing information, telephone (800) 242-7737. Other books by Hentoff include *American Heroes—In and Out of School* (Delacorte, 1987) and *The First Freedom: The Tumultuous History of Free Speech in America* (Delacorte, 1988).

In Search of the Constitution. PBS Videotape. Public Broadcasting Service, 1320 Braddock Place, Alexandria, VA 22314-1698. This is an 11-part series narrated by Bill Moyers. Part 9, "For the People," examines the impact of the Constitution on the lives of American citizens through landmark cases.

**Is the Supreme Court the Guardian of the Constitution?* Edited by Robert A. Licht. Washington, D.C.: The American Enterprise Institute Press, 1993. Unlike books on the Supreme Court written by lawyers for lawyers, this collection of essays presents the views of eight eminent scholars and authors who recognize the difference between the Constitution and constitutional law. They examine the question of whether the Court is the guardian of, as well as the final authority on, the Constitution and the ultimate defender of our liberties. The essayists address their opinions not to the legal profession but to teachers, serious students, and all others interested in acquiring a deeper understanding of the role the Court has assumed for itself. For purchasing information, telephone the publisher at (800) 269-6267.

Justice Hugo Black and the First Amendment. Edited by Everette E. Dennis and others. Ames: Iowa State University Press, 1978. This is a collection of interviews with Justice Hugo Black in which he discusses his views on the First Amendment protections of free expression. The text includes information that could be useful to students in the preparation of briefs.

Law in U.S. History: A Teacher Resource Manual. Edited by Melinda Smith. Boulder, Colo.: ERIC, 1984. This teachers' manual on law-related education contains lessons and student handouts on issues relating to land and the Constitution. Several lessons deal with First Amendment rights.

Lindop, Edmund. *The Bill of Rights and Landmark Cases*. New York: Franklin Watts, 1989. This collection of case studies contains excellent background data on key landmark cases dealing with the Bill of Rights. It is excellent on both the *Tinker* and *Hazelwood* cases.

MacArthur, John. *Second Front: Censorship and Propaganda in the Gulf War*. New York: Hill and Wang, 1992. The author, through a number of interviews with journalists, foreign correspondents, and newspaper editors and owners, concludes that the government handled the press corps during the Gulf War as if it were a "fifth column." MacArthur traces the relations between government and the press during the Vietnam war, the Grenada Invasion, and the Panama campaign that ousted Noriega.

*******May It Please the Court: The Most Significant Oral Arguments Made Before the Supreme Court Since 1955*. Edited by Peter Irons and Stephanie Guitton. New York: The New Press, 1993. This is a collection of six 90-minute audiotapes of live recordings of 23 landmark Supreme Court cases between 1955 and 1989. The tapes, which are housed in the National Archives, have, until now, been available only to law professors. The brief narrations by Peter Irons place the arguments in context and identify the speakers. An accompanying hardcover book gives background information on each case, transcriptions of the arguments, and excerpts from the opinions rendered in each case. This is an exceptional educational resource. Teachers unable to obtain this book through local outlets may contact A Common Reader, 141 Tompkins Avenue, Pleasantville, NY 10570, (800) 832-7323 (item number 7288).

*Monk, Linda R. *The Bill of Rights: A User's Guide*. Arlington, Va.: Close-Up Foundation, 1991. The text explores the historical background of each of the first ten amendments and current issues related to the Bill of Rights. A section titled "Beyond the Bill of Rights" focuses on the Fourteenth Amendment and the incorporation of the Bill of Rights. This is an excellent source book. Contact the Foundation at (800) 765-3131.

O'Neill, Tony. *Censorship*. *Opposing Viewpoints* series. San Diego, Calif.: Greenhaven Press, 1985. This title in the *Opposing Viewpoints* series contains articles and essays on both sides of the censorship issue. This is a good source for helping students analyze the issue of free expression.

**Patrick, John. *The Young Oxford Companion to the Supreme Court of the United States*. New York: Oxford University Press, 1994. Few are the number of books that deal with the Supreme Court in a way that is at once serious, informative, yet easy to use and understand. One volume in the *Young Oxford Companion to the United States Government* series, Patrick's work is more than a fact book. It covers the constitutional issues of today (abortion rights, censorship, school prayer, employment discrimination) and procedural topics

Justice Oliver Wendell Holmes
Photographed by Harris and Ewing.
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(briefs, opinions, and precedents) to give an overview of the function and history of the Court and also to demonstrate its relationship to the lives and concerns of individuals. The book pays particular attention to issues of special interest to young readers, such as students' rights and affirmative action. Helpful tables and charts illustrate the history of amendments, appointments, and major issues. Given the wide range of reading abilities in schools now, this book and its companion volumes on the presidency and the Congress should be on the shelves of school libraries and classrooms. For purchasing information, telephone the publisher at (800) 451-7556.

Peltason, J. W. *Corwin & Peltason's Understanding the Constitution*. New York: Holt, Rinehart and Winston, 1985. This is an exceptionally good source for issues related to the interpretation and application of constitutional law. The text establishes historical perspective for the Declaration of Independence, the Articles of Confederation, and the concept of federalism before providing a thorough study of the Constitution. Each phrase of the Constitution and the amendments is examined and referenced to contemporary issues relating to the document.

Rappaport, Doreen. *Tinker v. Des Moines: Student Rights on Trial*. *Be the Judge, Be the Jury* series. New York: HarperCollins, 1993. Easy to read, this book blends interviews, news items, and narrative, engaging readers as either judge or jury periodically throughout the text. Lower-ability students will appreciate the way Rappaport takes them through the events leading up to the trial, the plaintiffs' and defendants' strategies, the trial itself, the oral arguments, the Court's decision, and the long-range impact on plaintiffs' lives. Larger ramifications of the case are not explored.

**Redden, Charlotte, and David Morgan. *Education for Freedom: Lessons on the First Amendment for High School Students*. Denver, Colo.: First Amendment Congress, 1991. A variety of lesson plans enhance this resource for teachers. The use of collaborative activities, court cases, and primary source material such as Martin Luther King's "Letter from a Birmingham Jail" are generally commendable. The book may be obtained at nominal cost by contacting the First Amendment Congress at (303) 820-5688.

**Schwartz, Bernard. *A History of the Supreme Court*. New York: Oxford University Press, 1993. One of the nation's leading authorities on the history and practice of the Supreme Court wrote this indispensable work for teachers and serious students. Whether read in its entirety or used as a reference, Schwartz's history is worth having on the classroom shelf. A shorter, paperback version, *A Basic History of the Supreme Court* (Malabar, Fla.: Krieger Publishing, 1979), which includes good primary source materials,

Chief Justice Earl Warren.
Photographed by Ackad. Collection of the Supreme Court of the United States. Reprinted by permission.

is a convenient resource for classroom use.

*Shafritz, Jay M., and Lee Weisberg. *Classics in American Government.* Belmont, Calif.: Wadsworth, 1994. An anthology of classic readings in American government, this fine collection features unusual primary sources along with old standards. Writings by such diverse figures as Susan B. Anthony, "Tip" O'Neill, Aaron Wildavsky, the Reverend Jesse Jackson, Robert Bork, and Malcolm X join the Mayflower Compact and excerpts from such court cases as *Gitlow v. New York, Roe v. Wade,* and *Plessy v. Ferguson.*

Smolla, Rodney A. *Free Speech in an Open Society.* New York: Alfred A. Knopf, 1992. This contemporary study of free speech in American society examines the meaning of free expression and concludes that free speech defines the human spirit of our democracy. Smolla argues that what may appear as reasonable regulations for eliminating racism and sexism or promoting values of decency are themselves steps toward censorship. It is a provocative study of the controversies that surround the First Amendment.

Spaeth, Harold J., and Edward C. Smith. *HarperCollins College Outline—The Constitution of the United States.* HarperPerennial, 1991. This is an exceptional guide to the Constitution. The authors explain the Constitution and incorporate references to Supreme Court cases throughout the text.

Taking Sides: Clashing Views on Controversial Legal Issues. Edited by Ethan M. Katsh. Guilford, Conn.: Dushkin Publications, 1989. Another good sourcebook for both teachers and students, this work examines both sides of a case. Issues seven through ten deal with First Amendment rights.

Turner, Mary Jane, and Lynn Parisi. *Law in the Classroom: Activities and Resources.* Boulder, Colo.: ERIC, 1986. This ERIC manual for teachers is strong in lessons on individual rights and provides excellent examples of ways to teach about freedom of speech and the press. There is a good simulation on the *Tinker* case in the manual.

THE U.S. CONSTITUTION. Agency for Instructional Technology, Box A, Bloomington, IN 47402. This series on the Constitution consists of six 30-minute programs appropriate for junior and senior high school students. Program 4, "Freedom of Expression," examines the First Amendment issue of free speech.

Wagman, Robert J. *The First Amendment Book.* New York: Pharos Books, 1991. This is a guidebook to issues and cases relating to the First Amendment guarantees of freedom of speech and of the press. The book includes issues such as flag burning, school prayer, libel, and the publication of classified material. Political cartoons relating to specific First Amendment issues are also included.

Resources on the History and Evolution of the Supreme Court

Abraham, Henry J. *Justices and Presidents: A Political History of Appointments to the Supreme Court.* New York: Oxford University Press, 1985. An excellent political history of the Supreme Court, this book examines the motivations behind nominations and the appointees' performances vis à vis presidential aspirations. The text spans the history of the Court from John Jay to Warren Burger.

An Autobiography of the Supreme Court. Edited by Alan F. Westin. New York: Macmillan, 1963. The story of the Court is told by members of the judiciary, from John Jay to Earl Warren. This is an excellent reference work on the Supreme Court.

Baum, Lawrence. *The Supreme Court.* Washington, D.C.: *Congressional Quarterly,* 1989. Baum's work covers all aspects of the Supreme Court, from the judicial process to the relationship of the Court to other branches of government. The book discusses the criteria generally used to select justices, the selection of cases, and the forces that influence judicial decisions. This is an essential guide to the operation of the Supreme Court.

Biskupic, Joan. "The Supreme Court Yearbook, 1989-1990." Washington, D.C.: *Congressional Quarterly,* 1991. This is the first volume in a series of annual updates on court decisions. In addition, the yearbook includes the year's most significant judicial events and a preview of the forthcoming session. This excellent reference work should become a part of every high school library.

Cox, Archibald. *The Court and the Constitution.* Boston: Houghton Mifflin, 1987. Cox, U.S. Solicitor General and first Watergate Special Prosecutor, surveys the history of the Supreme Court and its role in shaping the application of the Constitution. The author chronicles the issues and debates throughout U.S. history.

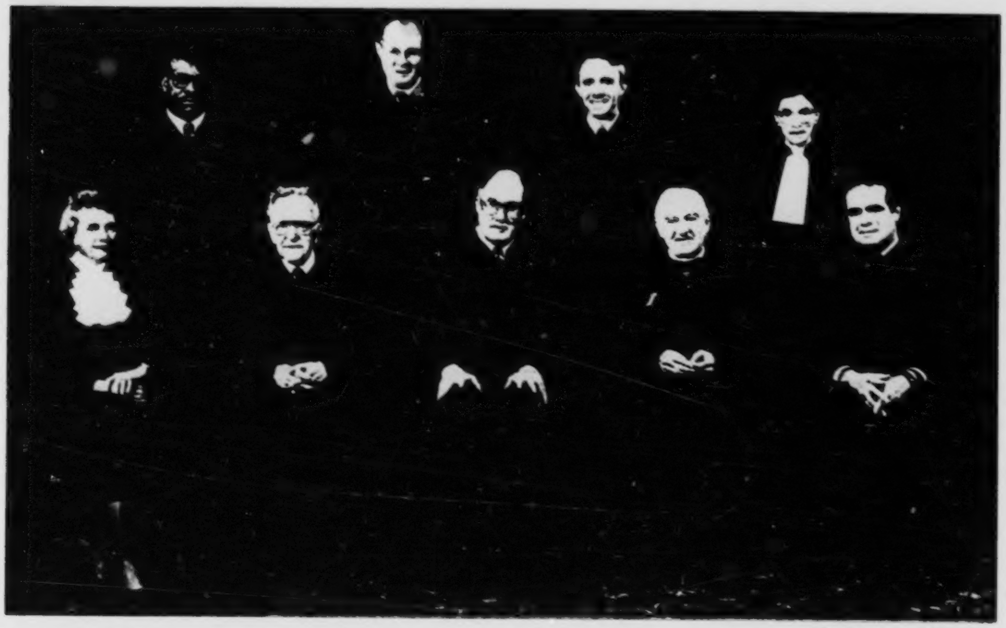
Interpreting the Law: The Role of the Supreme Court. Center for the Humanities, Inc., Communications Park, Box 1000, Mount Kisco, NY 10549-9989. This four-part videotape program examines the evolution of the Supreme Court. The videos introduce students to the powers and duties of the Court, explain the federal court system, and review the criteria used in deciding whether or not to place cases on its docket. One program provides a case study of *Brown v. Board of Education, Topeka, Kansas* as a means of illustrating how a case moves through the federal court system.

The Judiciary and the Constitution. Phoenix Union High School District and the Center for Law-Related Studies, 1991. This detailed curriculum guide offers a number of lessons on the judiciary at various levels of difficulty. The guide provides background information for teachers, teaching strategies, and student readings on the following topics: the role of the Supreme Court, juvenile rights, slavery to Civil Rights, rights of the accused, reapportionment and redistricting, women's rights, and the First Amendment. A student-produced videotape that features high school students' perspectives on issues accompanies the curriculum unit. It is recommended as a model for the development of similar student media programs. For purchasing information, contact the Center at (602) 271-2876 or 271-3422.

Landmark Decisions of the United States Supreme Court. Edited by Maureen Harrison and Steve Gilbert. Beverly Hills, Calif.: Excellent Books, 1991. This is a readable account of ten landmark court cases including *Brown v. Board of Education*, *Engel v. Vitale*, *Texas v. Johnson*, *Roe v. Wade*, and *University of California v. Bakke*.

O'Brien, David M. *Storm Center: The Supreme Court in American Politics*. New York: W. W. Norton & Co., 1990. This book traces the history of the Court and its impact on American life. O'Brien's study is recommended for teachers' background reading.

Perspectives: Readings on Contemporary American Government. Arlington, Va.: Close-Up Foundation, 1992. This anthology provides insight into the workings of government and the political process. Articles include materials on Judge Robert Bork, Justice Thurgood Marshall, and "Jane Roe" (Norma McCorvey). Contact the Foundation at (800) 765-3131.



Supreme Court justices, 1993. Seated, from left: Sandra Day O'Connor, Harry A. Blackmun, William Rehnquist, John Paul Stevens, Antonin Scalia. Standing, from left: Clarence Thomas, Anthony Kennedy, David Souter, Ruth Bader Ginsburg. (Justice Blackmun retired in 1993; Stephen Breyer, not shown, replaced him.) Copyright, The National Geographic Society; courtesy The Supreme Court Historical Society.

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Powe, Lucas A., Jr. *The Fourth Estate and the Constitution: Freedom of the Press in America.* Berkeley: University of California Press, 1991. This is a scholarly study of the First Amendment guarantee of a free press. Powe traces the concept of freedom of the press from deliberations over the Bill of Rights to the present. The work discusses a number of issues, including national security and the press's right to report.

A Process Run Amok—Thomas/Hill Hearings: Town Meeting. Videocassette (90 minutes). ABC News, 1991. Ted Koppel leads a discussion with senators, reporters, public figures, and the audience in the ABC News "town meeting" format on the issues involved in the confirmation hearings of Judge Clarence Thomas to the Supreme Court. The videotape is available from social studies supply houses.

Savage, David G. *Turning Right: The Making of the Rehnquist Supreme Court.* New York: John Wiley, 1992. A chronicle of the Rehnquist Court, this monograph looks at the personalities of the justices and, at times, their flashes of temper. This "inside story" of the Court takes up where *The Brethren* left off.

Shayerson, Robert. *The Illustrated History of the Supreme Court of the United States.* New York: Harry Abrams, 1986. This illustrated history of the Supreme Court contains excellent narrative as well. The text cites landmark decisions and notes the judicial strategies of leading justices.

The Supreme Court At Work. Edited by Carol Goldinger. Washington, D.C.: Congressional Quarterly, 1990. This comprehensive study of the Court is divided into four parts: "Origins and Development of the Court," "The Court and Its Work," "Members of the Court," and "Major Decisions of the Court." It is an excellent reference book on the Supreme Court.

Tribe, Laurence H. *God Save This Honorable Court: How the Choice of Supreme Court Justices Shapes Our History.* New York: Mentor, 1985. The author, a leading authority on constitutional law, describes the impact of the Supreme Court on American society and exposes popular myths regarding the appointment of members to the high court.

Woodward, Bob, and Scott Armstrong. *The Brethren: Inside the Supreme Court.* New York: Simon and Schuster, 1979. As the title indicates, this is a behind-the-scenes account of the United States Supreme Court. It reveals the maneuvering, arguing, politicking, and compromising on critical issues on which the Court has ruled.

Resources on the Fourteenth Amendment: Due Process and Equal Protection Clauses

Ball, Howard, and Philip Cooper. *Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution.* New York: Oxford University Press, 1992. This is the chronicle of the 30-year tenure of two men who helped mold the Court in the twentieth century. Justices Black and Douglas shared a common interest in

Justice William O. Douglas.
Photographed by Harris and Ewing. Collection of the Supreme Court of the United States. Reprinted by permission.

protecting individual freedom but often clashed over the Court's role. This text is more than the story of two jurists; it is a scholarly study of the changing role of the court during the New Deal and through the activism of the Warren era.

Curtis, Michael Kent. *No State Shall Abridge: The Fourteenth Amendment and the Bill of Rights.* Durham, N.C.: Duke University Press, 1986. In this careful analysis of the framing of the Fourteenth Amendment, the author fully supports the incorporation doctrine and takes issue with conservatives who argue that incorporation was the invention of an activist court. This scholarly work serves as a teachers' resource and may be used as a reference by more capable students.

The Fourteenth Amendment. Edited by Bernard Schwartz. New York: New York University Press, 1970. This collection of articles commemorates the centennial celebration of the ratification of the Fourteenth Amendment. The text contains essays by Justices Earl Warren, Abe Fortas, and William Brennan, Jr., as well as noted historians and political scientists.

Friendly, Fred, and Martha Elliott. *The Constitution: That Delicate Balance.* New York: Random House, 1984. This excellent book presents landmark Supreme Court cases that helped shape the Constitution. Each case is presented in a readable style and is linked to similar historical issues that show continuity and change.

Meyer, Howard N. *The Amendment That Refused to Die.* Radnor, Pa.: Chilton Book Co., 1973. Meyer traces the origin of the Fourteenth Amendment to the concept of privileges and immunities embodied in Madison's original group of amendments that became the Bill of Rights. This is a good account of the philosophy behind the Fourteenth Amendment.

A Personal Matter: Gordon Hirabayashi v. The United States. Videocassette (30 minutes). Crosscurrent Media, 1992. This videotape relates the story of Gordon Hirabayashi's defiance of Executive Order 9066 and his 42-year struggle to overturn his conviction. The videotape comes with a curriculum guide and is distributed by Crosscurrent Media, 346 Ninth Street, San Francisco, CA 94103.

Quarrels That Have Shaped the Constitution. Edited by John A. Garraty. Harper and Row, 1987. This collection of essays deals with issues that led to several of the Supreme Court's landmark cases. It is an excellent reference for more-advanced readers.

Simon, James F. "The Antagonists," *Constitution*, Vol. 3 (winter 1991), pp. 26–34. Simon's article explores the 20-year debate between Supreme Court Justices Felix Frankfurter and Hugo Black over the meaning of the due process clause of the Fourteenth Amendment. The article deals with Frankfurter's conviction that the Fourteenth Amendment obligated the Court to impose only procedural due process while Black argued for full substantive guarantees of the Bill of Rights. For a more definitive study, consult Simon's monograph *Hugo Black, Felix Frankfurter and Civil Liberties in Mod-*

ern America (New York: Simon and Schuster, 1989).

Resources on Civil Rights and Civil Liberties

American Government: Annual Editions series (1991-1992). Guilford, Conn.: Dushkin, 1991. Dushkin publishes an annual anthology of articles from prominent journals that focus on current issues. This update includes reprints of articles on issues such as the use and misuse of power, race and the Constitution, voting behavior, and the media.

Anderson, Jervis. *A Philip Randolph: A Biographical Portrait.* Berkeley: University of California Press, 1986. This is an account of the life of the great black union organizer and civil rights leader. Among his great achievements were the organization and legitimization of the Brotherhood of Sleeping Car Porters, the first black union, and many events in the civil rights movement of the 1950s and 1960s, perhaps most memorably the 1963 March on Washington.

Articles of Faith, Articles of Peace: The Religious Liberty Clauses and the American Public Philosophy. Edited by James Davison Hunter and Os Guinness. Washington, D.C.: The Brookings Institution, 1990. This thought-provoking examination of contemporary challenges to the First Amendment reflects different viewpoints on issues relating to the establishment clause. Contact the Institution at (800) 275-1447.

Little Rock High School, 1957. Reproduced, by permission, from the collections of the Library of Congress.

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Barth, Alan. *The Rights of Free Men: An Essential Guide to Civil Liberties*. New York: Alfred A. Knopf, 1984. Barth, a former editorial writer for the *Washington Post*, won a reputation for his ardent defense of civil liberties in his columns. This collection of editorials, articles, and excerpts from books and lectures examines the meaning and application of the Bill of Rights.

Bodenhamer, David J. *Fair Trial: Rights of the Accused in American History*. New York: Oxford University Press, 1991. This comprehensive survey of the rights of the accused in United States history focuses on defendants' rights and traces their development in local and state courts as well as the United States Supreme Court.

Celsi, Teresa. *Jesse Jackson and Political Power*. *Gateway Civil Rights* series. Brookfield, Conn.: Millbrook, 1991. With Martin Luther King, Jr., Jesse Jackson led marches in Chicago to publicize the need for better housing for poor blacks. In 1971 he started an organization called PUSH—People United to Serve Humanity—which focused on youth issues such as drug abuse and teenage pregnancy. During the 1984 and 1988 presidential elections, Jesse Jackson was a key contender for the democratic nomination. His intelligence and skill, the support of his family, and his drive and will to succeed have taken him far. This book is easily read by most high school students.

The Constitution of the United States: With Case Summaries. Edited by Edward C. Smith. Barnes & Noble, 1987. This book includes the Virginia Bill of Rights, the Declaration of Independence, and the Articles of Confederation in addition to the Constitution. Important Supreme Court decisions, such as the *Bakke* case, are summarized.

Cwiklik, Robert. *Malcolm X and Black Pride*. *Gateway Civil Rights* series. Brookfield, Conn.: Millbrook, 1991. According to Cwiklik, "The civil rights movement sought to change unjust laws and win legal rights for blacks. But Malcolm X wanted to change the unjust laws written on black people's souls. He believed the greatest crime committed against blacks was that they were taught to hate themselves." This book is easily read by high school students.

Davis, Derek. *Original Intent: Chief Justice Rehnquist and the Course of American Church/State Relations*. Buffalo, N.Y.: Prometheus Books, 1991. The author examines the concept of original intent, the historical development of church-state relations, and Chief Justice Rehnquist's judicial philosophy. He is critical of the current Court's departure from traditional interpretations of the "wall of separation."

Dr. Martin Luther King, Jr.: A Historical Perspective. Videocassette (60 minutes). Santa Monica, Calif.: Xenon, 1993. Viewers of this videotape see and hear for themselves what it meant to be black in America in the 1960s, why nonviolence worked, and at what great costs civil rights were won. Though there is some narration establishing historical context, the archival footage, which includes scenes of violence, speaks for itself.

*_Education for Freedom: Lessons on the First Amendment for Secondary School Students_. Denver: First Amendment Congress, University of Colorado, 1991. This binder of lessons provides activities and lessons teachers may adapt to their classes. For purchasing information, contact the Congress at (303) 820-5688.

The Era of Segregation: A Personal Perspective. Videocassette (32 minutes). Culver City, Calif.: Zenger Media, 1993. Clifton L. Taulbert narrates the history of institutional segregation and its legacy in America. Reminiscences by Taulbert, who grew up in the Mississippi Delta during the 1940s and 1950s, are illuminated by archival photographs and historic film footage. A teachers' guide includes five reproducible activities, each with instructions, a script, and a bibliography. This resource is available from social studies supply houses.

Eyes on the Prize series. Public Broadcasting System, 1987. This award-winning television series on civil rights in America encompasses the history of the modern struggle for equality in this country. News footage and eyewitness accounts bring to life the fight for freedom and equal rights. Little-known personal efforts are chronicled as well as historic national events. This videotape series is available from social studies supply houses.

Goldman, Roger, and David Gallen. _Thurgood Marshall: Justice for All_. New York: Carroll and Graf, 1992. This is a study of Marshall's career in law and his defense of the "underdog." The authors examine Marshall's judicial philosophy and include sections written by his law clerks and close associates.

Haskins, James. _The Life and Death of Martin Luther King, Jr._ New York: Beech Tree Books, 1992. Haskins chronicles Dr. King's life and the circumstances surrounding his death by an assassin. The author reveals King's flaws but notes that, as a public man, he had honor and deep moral conviction. His vision of nonviolent social change inspired millions of people to bring about change through peaceful means. See also the author's _The March on Washington_ (HarperCollins, 1993), which focuses on such figures as A. Philip Randolph, Martin Luther King, Jr., Roy Wilkins, Whitney Young, James Farmer, and John Lewis; and his _I Have A Dream: The Life and Words of Martin Luther King, Jr._ (Millbrook, 1992).

*Haynes, Charles C. _Religion in American History: What to Teach and How_. Alexandria, Va.: Association for Supervision and Curriculum Development, 1990. This book of teaching strategies includes lessons that deal with prayer in the schools and other challenges under the First Amendment that derive from the pluralistic makeup of our nation. The lessons are provocative, challenging students to think critically on these major issues. This exceptional work gives teachers all that is needed to develop short lessons using primary source materials. It is available through social studies supply houses.

Irons, Peter. _The Courage of Their Convictions: Sixteen Americans Who Fought Their Way to the Supreme Court_. New York: The Free Press, 1988. Irons looks at the human side of landmark Supreme Court cases. Using the words and stories

of Lillian Gobitis, Gordon Hirabayashi, Mary Beth Tinker, and a number of others, he investigates the underlying issues of important judicial rulings that affect our lives.

Joseph, Joel D. *Black Mondays: Worst Decisions of the Supreme Court.* Bethesda, Md.: National Press, 1990. The fourteenth chapter of this book focuses on *Plessy v. Ferguson*. Joseph's treatment is casual and cursory, but it covers the case, the appeal, the decision, and its impact.

Keeping Them Apart: Plessy v. Ferguson and the Black Experience in Post-Reconstruction America. Los Angeles, Calif.: National Center for History in the Schools. This instructional unit examines the effects of Reconstruction-era legislation on race relations in the late nineteenth and twentieth centuries. In addition to the *Plessy v. Ferguson* decision, contents include discussions of the protests by African-American legislators, Boston's school board rulings, restrictive labor laws in the South, and racial violence in New York in 1900. Units may be ordered from National Center for History in the Schools, University of California, Los Angeles, 10880 Wilshire Blvd., Suite 761, Los Angeles, CA 90024-4108.

King, Martin Luther, Jr. *Stride Toward Freedom: The Montgomery Story.* San Francisco: Harper and Row, 1987. Martin Luther King, Jr., inspired and sustained the struggle for freedom, nonviolence, and interracial brotherhood. *Stride Toward Freedom* is his compassionate account of the first successful large-scale application of nonviolent resistance in America, the Montgomery bus boycott, which he led. This protest gave hope to millions for an end to the terrible indignity of segregation.

Kosof, Anna. *Jesse Jackson.* New York: Franklin Watts, 1987. Jackson has been called a racist and an opportunist. He has also been hailed as an impassioned advocate for the disenfranchised, the poor, and the "forgotten" people of the world. He has been in the forefront of the civil rights movement, winning many converts to his belief that young people can overcome adversity, say no to drugs, and take responsibility for their actions.

Kosof, Anna. *The Civil Rights Movement and Its Legacy.* New York: Franklin Watts, 1989. In this book, Kosof recounts the civil rights movement and its effect on American society. She evaluates the successes and setbacks of the movement, offering insight into its legacy and its promise for the future. Included is an assessment of socioeconomic trends in black society as well as the movement's influence on other minority groups.

Lazo, Caroline. *Martin Luther King, Jr.* PEACEMAKERS series. New York: Dillon Press, 1994. Material rewards in life seem insignificant in the light of this inspirational story of a man who stands apart for his dedication to preserving peace in a world that is battered on all sides by problems and struggles.

Levy, Leonard W. *The Establishment Clause: Religion and the First Amendment.* New York: Macmillan, 1986. An advocate of "the wall of separation," Leonard Levy writes a defense of the

Justice Thurgood Marshall.
Photographed by Harris and Ewing.
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United States. Reprinted by permission.

separation of church and state. The text explores the motives and intent of the framers in ensuring that government use neither force nor funds to aid or inhibit the practice of religion.

**Lure and Loathing: Essays on Race, Identity, and the Ambivalence of Assimilation.* Edited by Gerald Early. New York: Viking Penguin (Allen Lane), 1993. Several distinguished African-American scholars, journalists, and other writers respond to W. E. B. DuBois's appraisal of the African-American experience, which he discussed most notably in the classic *The Souls of Black Folk.* Perspectives range from vituperative to hopeful. This is an indispensable collection for examining contemporary civil rights efforts and cultural issues.

Malcolm X: In Our Own Image. AFRICAN-AMERICAN STUDIES. Edited by Joe Wood. New York: Anchor Books (Doubleday), 1994. Fourteen essays by prominent African Americans shed light on the mystique surrounding Malcolm X. They look at his complexity, his constant willingness to re-invent himself, and his considerable capacity for growth. Some of the essays are soothing, while others are angry; all are thoughtful.

Marshall, Thurgood. "Celebrating the Constitution: A Dissent," *Harpers*, Vol. 275 (July 1987), pp. 17–19. This is the text of Justice Thurgood Marshall's controversial speech (May 6, 1987) that explores the evolution of the Constitution into a document of freedom rather than one that established the principles of liberty and justice for all. Marshall discusses the slow process of change and states that the "true miracle was not the birth of the Constitution at Philadelphia but its life, a life nurtured through two turbulent centuries of our own making."

Martin Luther King, Jr.: Instant Replay of History. Multimedia program. New York: ABC News, n.d. A wide-ranging look at the life and times of Martin Luther King, Jr., is provided by this interactive laser disc program. Guidebooks with lesson plans are included. This resource is available in English and Spanish from social studies supply houses.

Nieman, Donald G. *Promises to Keep: African Americans and the Constitutional Order, 1776 to the Present.* New York: Oxford University Press, 1991. This is a concise historical survey of the struggle of African Americans to achieve full civil rights.

Rakove, Jack N. "Inspired Expedient," *Constitution*, Vol. 3 (winter 1991), pp. 19–25. The author discusses Madison's role as the driving force behind the writing and adoption of the Bill of Rights. Madison, opposed to a federal bill of rights that would be a "parchment barrier," engineered ratification. This interesting article focuses on the Bill of Rights through Madison's lifetime. *Constitution*, the quarterly journal of the Foundation of the U.S. Constitution, is available through libraries.

The Real Malcolm X: An Intimate Portrait of the Man. CBS News, 1992. There was an unmistakable threat of violence in Malcolm X's philosophy, yet in private, says an intimate friend, Malcolm had a very warm heart. He was "like a baby." This documentary, hosted by Dan Rather, consists of rarely seen film footage from public speeches juxtaposed with interviews of intimate friends. The video is available from social studies supply houses.

*Reichley, A. James. *Religion in American Public Life*. Washington, D.C.: The Brookings Institution, 1985. The author examines religion and politics within the conceptual framework and values they share. He examines the impact of religion and religious groups on American public life. Chapters on the various interpretations of the First Amendment, the intentions of the Founding Fathers, and the controversies during recent decades are especially valuable for both teachers and interested students. This important book, available in paperback, is worthy of study by teachers of U.S. history and government.

Religion and Politics: Issues in Religious Liberty. Edited by Gary E. McCuen. Hudson, Wis.: GEM McCuen Publications, 1989. This collection of short readings from many perspectives is part of the *Ideas in Conflict* series. It includes practical activities for developing students' skills in recognizing an author's point of view, determining bias, and interpreting editorial cartoons. It is available from social studies supply houses.

Rodriguez, Richard. *Hunger of Memory: The Education of Richard Rodriguez*. New York: Bantam, 1982. This is a splendidly wrought memoir that many people have heard is controversial but that not so many people have actually read. Rodriguez is a California writer of Mexican descent who sensitively depicts some of the tensions and ambiguities of life in an immigrant family in the United States and in a Hispanic family in particular. This book is sometimes wrongly described as a critique of bilingual education. Though it deals quite carefully with Rodriguez's important distinction between "public" and "private" language and his view of the school's role in teaching language, this is a much broader and more evocative autobiography of particular relevance to educators. Said the *New York Times Book Review*, "The chapters Mr. Rodriguez devotes to his early experiences of language are uncannily sensitive to the nuances of language learning. . . . Only at school did the immense distance between the two languages begin truly to matter. . . . The wedge driven into his family's intimate life was not English, he now believes, but education, the emotionally charged evolution every family must experience as its children go to school and grow partly away."

Rostow, Eugene V. "Our Wartime Mistake," *Harpers*, Vol. 191 (September 1945) pp. 193–201. Rostow, a constitutional scholar, decries evacuation as an extralegal act. This scholarly article connects Justice Black's decision in *Korematsu* to the earlier *Ex Parte Milligan* decision (1866).

*Sowell, Thomas. *Civil Rights: Rhetoric or Reality?* New York: Morrow, 1985. This is a short but challenging treatise by a scholar at Stanford's Hoover Institution.

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published on the thirtieth anniversary of the *Brown* decision and the twentieth anniversary of the 1964 Civil Rights Act. Readable and provocative, the book is notable for its candor and controversy.

Stine, Megan. *The Story of Malcolm X, Civil Rights Leader*. New York: Dell, 1994. Born into a life of poverty and hardship, Malcom X studied hard and, by the time he was thirty, had become a powerful leader and speaker. He was heard around the world and influenced African Americans to demand changes in the way they were treated. This book is easily read by high school students.

Stride Toward Freedom: The Aftermath of Brown v. Board of Education of Topeka, Kansas. Los Angeles, Calif.: National Center for History in the Schools. In this instructional unit, students read about reactions to and consequences of the landmark 1954 Supreme Court decision that overturned 50 years of the segregation that *Plessy v. Ferguson* institutionalized. Included in the readings are Chief Justice Earl Warren's opinion on the case; the reaction of the North Carolina legislature; a letter from Martin Luther King, Jr., to Vice President Richard Nixon; and a transcript of a speech delivered by President Kennedy. This unit may be ordered from National Center for History in the Schools, University of California, Los Angeles, 10880. Wilshire Blvd., Suite 761, Los Angeles, CA 90024-4108.

Thernstrom, Abigail M. *Whose Votes Count: Affirmative Action and Minority Voting Rights*. Cambridge, Mass.: Harvard University Press, 1987. This is an important analysis of the Voting Rights Act of 1965 and its evolution during the ensuing quarter century.

Voices of Black America. Edited by Philip S. Foner. New York: Simon and Schuster, 1972. Foner brings together many splendid pieces of primary source material. Many of the selections are short and well written, making the collection a fruitful one for assignments, paper topics, and classroom discussion. In an examination of the evolution of civil rights issues, this book should prove to be a helpful resource. It is available from university and public libraries.

Westin, Alan F. "Civil Liberties in the Technology Age," *Constitution*. Vol. 3 (winter 1991), pp. 56–64. Westin's article illustrates how the framers' concept of federalism, separation of powers, and the independent judiciary help to protect people from the abuses of government. Despite this protection, the author argues, protection ultimately rests on the shoulders of a vigilant public.

Yarbrough, Tinsley E. *John Marshall Harlan: Great Dissenter of the Warren Court*. New York: Oxford University Press, 1992. Yarbrough probes the forces that shaped the political philosophy of Justice Harlan, whose interpretation of the Constitution was in sharp contrast to the Warren court's stance on civil liberties. This biography is useful for studying the changing role of the Court, especially since many of Harlan's judicial dissents have recently become the focal points of majority decisions in the Rehnquist court.

Appendix II-1

A Survey: Perceptions of First Amendment Protections

Does the First Amendment protection of freedom of speech allow people to express themselves any way they wish? Are there constitutional limitations on free speech? Ask ten students and five to ten adults which of the types of expression listed below are protected by the First Amendment. Use the columns on the right side to tally the responses.

"Congress shall make no law . . . abridging freedom of speech, or of the press."

Does the First Amendment protect someone who

	Student		Adult	
	YES	NO	YES	NO
1. is vocal in criticizing the president?	___	___	___	___
2. makes a pro-Nazi speech outside a Jewish community center?	___	___	___	___
3. pickets a supermarket to show support for a boycott by farmworkers?	___	___	___	___
4. wears a black armband to school to protest U.S. policy or military intervention?	___	___	___	___
5. telephones the school with a phony bomb threat?	___	___	___	___
6. hands out pamphlets at school urging male students not to register for the draft?	___	___	___	___

Source: Adapted by Mark Elinson, Bob O'Connor, and David Vigilante from material first published by the Law in a Changing Society program, Dallas, Texas. Permission to adapt and reprint was granted by the State Bar of Texas and Law-Focused Education, Inc., 1993.

[illegible]		Student		Adult	
		YES	NO	YES	NO
7.	writes a book advocating communism?	___	___	___	___
8.	attends a meeting of the Ku Klux Klan?	___	___	___	___
9.	wants to buy an ad in the school newspaper to criticize the principal and the school board?	___	___	___	___
10.	takes part in a conversation with a group that is planning a political kidnapping?	___	___	___	___
11.	falsely shouts "Fire!" in the school gym during a basketball game?	___	___	___	___
12.	threatens to kill you during an argument?	___	___	___	___
13.	urges the violent overthrow of the U.S. government?	___	___	___	___
14.	carves obscene messages on desktops at school?	___	___	___	___
15.	burns the U.S. flag?	___	___	___	___
16.	blocks the entrance to a community health clinic that is performing abortions?	___	___	___	___
17.	holds a prayer vigil during a passing period at school?	___	___	___	___
18.	makes false claims in an advertisement for a product?	___	___	___	___
19.	sells a record with sexually explicit lyrics?	___	___	___	___
20.	broadcasts a music video with brief segments of nudity?	___	___	___	___

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Appendix II-2

Tinker v. Des Moines:

A Supreme Court Case

by David Vigilante

Thirteen-year-old Mary Beth Tinker wore a black armband to a Des Moines junior high school on December 16, 1965. Her fifteen-year-old brother John and her friend Cris Eckhardt also wore armbands to protest U.S. involvement in the Vietnam War. Two days earlier, school officials had adopted an ordinance prohibiting the wearing of armbands. All three students were suspended and told they could not return to school until they agreed not to wear the armbands.

School officials stated that their actions were justified on the grounds that they had comprehensive authority to set school rules and maintain an environment conductive to learning. They argued that the wearing of black armbands could lead to disturbances that would be disruptive. In fact, a mathematics teacher at the school had his lesson "wrecked" because of a confrontation over the wearing of the black armband.

Attorneys for Mary Beth Tinker filed a federal lawsuit against the school district for violating her right to free expression guaranteed by the First Amendment.

It took four years before her case progressed through the courts and was heard on appeal by the United States Supreme Court in November, 1968. The Supreme Court ruled in a 7-2 decision on February 24, 1969, that, although school officials had the authority to set rules in the schools, these regulations had to be consistent with the First Amendment rights of students and teachers. Wearing a black armband was an expression of an opinion and "akin to pure speech," which is a "primary First Amendment right." Students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

The majority of the Court found that the students wearing the armbands caused no disruption and, therefore, did not intrude on the school's primary function nor violate the rights of other students. The Court also stressed that the school had permitted the wearing of other political symbols, including campaign buttons and, in some instances, the Nazi Iron Cross. Only the black armbands were prohibited. This, the Court argued, constituted a suppression of a specific point of view. Justice

Abe Fortas, in the majority opinion, wrote, "In our system, state-operated schools may not be enclaves of totalitarianism" nor can "students . . . be regarded as closed-circuit recipients of only that which the State chooses to communicate."

Justice Hugo Black, in a dissenting opinion, wrote, "If the time has come when pupils of state-supported schools, kindergarten, grammar school, or high school, can defy and flaunt orders of school officials to keep their minds on their own schoolwork, it is the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary."

Appendix II-3

Symbolic Free Speech: A Hypothetical Case

A senior at Union City High School was suspended for wearing a T-shirt being sold at a local music shop. The front of the shirt pictured a pentagram with the words "Satan Lives." This logo is related to a popular local rock group whose lyrics include references to satanic rituals.

The student was advised by the school principal that wearing such a shirt was a violation of the school's dress code. The student was asked to wear the shirt inside out for the remainder of the day and not to wear the shirt to school again. The student refused to turn the shirt inside out and was suspended.

With the help of the local American Civil Liberties Union (ACLU), the student sued the school on the grounds

Time, Place, and Manner Rule

THE U.S. SUPREME COURT has developed the time, place, and manner rule to determine whether government regulation or limitations of free speech are legal. According to this guideline, regulations about free speech may be constitutional if they are neutral concerning the content of the speech and deal only with the time, place, and manner of speech.
For example, people may talk freely to each other in public, but they may not talk at a time or place that would block traffic. Individuals may freely criticize government officials, but they may not express themselves in a manner that would interfere with the necessary work of the government. Individuals have the right to speak in favor of candidates for election to government office. But they may not use a loudspeaker in a residential neighborhood at three o'clock in the morning to broadcast their messages

(Continued on next page)

that the First Amendment right to free expression was being violated. The school administration said that the dress code was necessary to prevent "disruption of the educational process and unwholesome influences on younger students."

The U.S. District Court sided with the student and agreed that wearing the T-shirt was protected by the First Amendment. However, the United States Court of Appeals reversed the lower court ruling, and the student appealed the case to the Supreme Court. The high Court has agreed to hear the case.

Time, Place, and Manner Rule *(Continued)*

because this would unfairly disturb sleeping residents of the community. In *Kovacs v. Cooper* (1949), for example, the Court upheld a local law restricting the use of sound-amplifying equipment on public streets.

When a free-speech regulation is challenged in court, the judges always inquire whether the regulation is neutral with regard to the content of the speech. If not, the Court will apply the test of strict scrutiny; that is, a compelling public interest must be demonstrated as justification for regulating the content of speech. Otherwise, the regulation will be overturned as unconstitutional. An example of a compelling public interest that could pass the strict scrutiny test is protecting the safety of individuals who might be endangered by the unregulated speech.

Source: *The Young Oxford Companion to the Supreme Court of the United States*, by John Patrick. New York: Oxford University Press, 1993, p. 310. Used by permission of the publisher.

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Appendix II-4

Selected First Amendment Cases

Full decisions for these cases may be found in university law libraries in the sources below. Cases are listed by year.

Supreme Court Opinions. *The United States Law Week*. Washington, D.C.: The Bureau of National Affairs, Inc.

The Supreme Court Reporter. *Cases Argued and Determined in the United States Supreme Court*. St. Paul, Minn.: West Publishing Co.

United States Reports. *Cases Adjudged in the Supreme Court*. Washington, D.C.: U.S. Government Printing Office.

Free Speech and Free Press Cases

John Peter Zenger case (1735)
Established the right to freedom of the press in colonial America

Abrams v. United States (1919)
Upheld the conviction of five Russian-born immigrants for writing, publishing, and distributing pamphlets designed to "excite . . . war, riots, and . . . revolution" to defeat crucial military plans of the U.S. during World War I

Schenck v. United States (1919)
Established the "clear and present danger" rule to determine when First Amendment expression can be limited

Gitlow v. New York (1925)
Incorporated First Amendment guarantees of free speech and press into the Fourteenth Amendment protections against state and local government infringement

DeJonge v. Oregon (1937)
Recognized that the right to assemble is equal with the rights of speech and press and that the First Amendment guarantee of freedom of assembly is applicable to the states through the due process clause of the Fourteenth Amendment

Terminello v. Chicago (1949)
Said that mere annoyance on the part of the audience is not grounds for limiting speech

Dennis v. United States (1951)
Upheld convictions under the Smith Act for speaking and teaching about communist theory and advocating the forcible overthrow of the government

Feiner v. New York (1951)
Allowed the police to step in when there is a danger of incitement to riot

Yates v. United States (1957)
Determined that the Smith Act of 1940 did not apply to "ideas" pertaining to the violent overthrow of the government, as opposed to actual advocacy of an eminent act

New York Times Company v. Sullivan (1964)
Held that the First Amendment protects the press from libel suits for defamatory reports on public officials unless the

officials prove that the reports were made with "actual malice," which the Court defined

Brown v. Louisiana (1966)
Established that freedom of speech includes things other than verbal expression

Brandenburg v. Ohio (1969)
Reversed the conviction of a Ku Klux Klan leader, asserting that the leader's advocacy of force did not constitute incitement to imminent lawless action

Tinker v. Des Moines Independent School District (1969)
Declared that students have the right to engage in peaceful, nondisruptive protest, recognizing that the First Amendment guarantee of freedom of speech protects symbolic as well as oral speech

New York Times Company v. United States (1971)
Ruled that the government had failed to meet "the heavy burden of showing justification" for restraining further publication of the "Pentagon Papers"

Bethel School District v. Fraser (1986)
Allowed school administrators to limit the types of speech that are disruptive of the educational process

Hazelwood v. Kuhlmeier (1988)
Allowed school administrators to control the content of school newspapers

Texas v. Johnson (1989)
Reversed the defendant's conviction for violating a section of the Texas *Penal Code* that made it a crime to publicly burn the American flag

Appendix II-5

The First Amendment and the Virtues of an Open Society

by Rodney A. Smolla

The first amendment's interlocking guarantees of freedom of speech, press, religion, association, assembly, and petition combine to express America's profound commitment to the preservation of an open culture. The value of "openness" is broader than freedom of speech. A society that embraces openness as a value of transcendent importance will defend human expression and conscience in all its wonderful variety, protecting freedom of speech, freedom of the press, freedom of religion, freedom of association, freedom of assembly, and freedom of peaceful mass protest. These freedoms will be extended not just to political discourse, but to the infinite range of artistic, scientific, religious, and philosophical inquiries that capture and cajole the human imagination.

A society that wishes to adopt openness as a value of overarching significance will not merely allow citizens a wide range of individual expressive freedom, but will go one step further, and actually open up the deliberative processes of government itself to the sunlight of public scrutiny. In a truly open culture the normal rule is that government does not conduct the business of the people behind closed doors. Legislative, administrative, and judicial proceedings should, as a matter of routine, be open to the public.

The Marketplace of Ideas and Democracy

The justification for openness begins with the rationale that humankind's search for truth is best advanced by a free trade in ideas. The "marketplace of ideas" is perhaps the most powerful metaphor in the free speech tradition. In a democracy, the marketplace of ideas is no mere abstraction; it is critical to the legitimacy of government. There is no principle more

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Source: From *A Time for Choices*, a series of essays printed by the First Amendment Congress in commemoration of the Bicentennial of the Bill of Rights, 1991. The discussion following Smolla's essay was written by Robert F. Nagel, University of Colorado School of Law. Contact the Congress at 1445 Market Street, Suite 320, Denver, CO 80202, (303) 820-5688.

fundamental to democracy than the elemental proposition that all just governments derive their powers only from the consent of the governed. This consent is not made one time only, when the government is first formulated. Rather, the citizen is entitled to an ongoing participatory role in the process of self-governance. Freedoms of speech, press, association, and assembly are means of participation, the vehicles through which individuals debate the issues of the day, cast their votes, and actively join in the processes of decision-making that shape the polity.

This entitlement to participate has an electoral dimension and an expressive dimension. On the electoral side, citizens participate by being eligible for governmental office and by being allowed to vote freely for political candidates and parties. On the expressive side, citizens participate by exercising their freedom of speech to attempt to influence policies and register dissent. Openness facilitates majority rule. A society that has set out to govern itself democratically needs a large degree of openness to ensure that collective policy-making represents, to the greatest degree possible, the collective will.

Governments instinctively fear openness, often viewing it as promiscuous and dangerous, fostering a decline in order, efficiency, and stability. Governments will always tend to exert too much control on individual speech and conscience, and will tend to be too jealous of their secrets and confidences. A society that wishes to take openness seriously as a value must devise rules that are deliberately tilted in favor of openness—tilted more than may at first seem reasonable—in order to counteract the inherent impulse of governments to engage in control, censorship, and secrecy.

One of the great insights of the American First Amendment is the recognition that openness and democracy at times will conflict. For while openness is an aid to democracy, the democratic process on occasion will produce decisions by the majority to squelch the speech of the minority. When democracy and openness come into conflict, a society will be both more stable and more free in the long run if openness prevails. This is an extremely difficult principle to accept. Why shouldn't the concept of majority rule always prevail in a democracy, even on questions of freedom of expression? How can protecting a minority viewpoint against the wishes of the majority actually improve stability and order?

When governments can be persuaded to err on the side of openness, they learn to their surprise that openness *improves* the resiliency and stability of government, and it often increases efficiency by uncovering official iniquity or incompetence. While it may at times seem counter-intuitive, openness actually encourages social stability. If societies are not to explode from festering tensions, there must be valves through which the citizens may blow off steam. Openness fosters resiliency; peaceful protest displaces more violence than it triggers; free debate dissipates more controversy than it stirs.

Most importantly, however, openness serves the interests not of the government but of the people. The participatory interest served by freedom of speech in a democracy grows primarily out of the entitlements of citizens, not the needs of the state. Openness is the most powerful restraint humankind has yet devised on tyranny. It is through non-violent speech that the people may ferret out corruption and discourage tyrannical excesses, keeping government within the metes and bounds of the charter through which the people first brought it into existence.

Openness vindicates the individual's right to join the political fray, to stand up and be counted, to be an active player in the democracy, not a passive spectator. This openness value both protects and provokes the expressive spirit. On its surface it is a negative restraint on government. But beneath the surface lies a more vexing voice, one that affirmatively *encourages* citizens to speak, to take stands, to demand to be heard, to demand to *participate*.

Openness and the Human Spirit

The marketplace theory justifies openness as a means to an end. But an open society is also an end itself, an end intimately intertwined with human autonomy and dignity. Openness does not merely serve the needs of the polity, but also those of the human spirit—a spirit that demands to be heard. Openness is thus especially valuable for reasons that have nothing to do with the collective search for truth or the processes of self-governance, or with any other conceptualization of the common good. The First Amendment embraces a right to defiantly, robustly, and irreverently speak one's mind just because it is one's mind. Even when the speaker has no realistic hope that the audience will be persuaded to his or her viewpoint, even when no plausible case can be made that the search for truth will be advanced, freedom to speak without restraint provides the speaker with an inner satisfaction and realization of self-identity essential to individual fulfillment.

It might be argued that this is an exceptionally selfish, almost hedonistic justification for openness. If the majority is convinced that it is reasonable to stifle an individual's expression for the greater good of the whole society, why should the majority be prevented from imposing its view on the individual?

The answer is that the freedoms encompassed by the openness value, freedoms of speech, press, religion, assembly, and demonstration, are freedoms that define humanity itself. The fulfillment that comes from free expression is bonded to an individual's capacity to think, imagine, pray, and create. Conscience and consciousness are the sacred precincts of mind and soul. The linkage of speech to thought, to a person's central capacity to reason and wonder, is what places it above other forms of fulfillment, and beyond the routine jurisdiction of the state.

Few in the modern world would defend the prerogative of the state to censor thought. Only by accepting that a human being is a creature of the state could such a monstrous and awesome intrusion into the intimate internal processes of the mind be justified. To accept the proposition would be to accept the annihilation of thousands of years of moral evolution, in which the world has come slowly and painfully to recognize that people possess certain entitlements to dignity and autonomy by sheer virtue of their humanity. Descartes' statement, "I think, therefore I am," is an assertion about existence. If one adds, "I think, therefore I am somebody deserving of respect," one has an assertion about humanity.

Once the inviolable primacy of freedom of thought is accepted, the preferred position of openness as a societal value follows. This does *not* mean that the government has no more claim on regulation of speech than it does on thought—for unlike thought, speech involves other human beings, and thus can cause harm. But it *does* mean that because speech is connected to thought in a manner that other forms of gratification are not, it is proper to place special burdens on the state when it ventures to regulate speech that would not exist when it regulates other aspects of human activity. It is no answer to insist that thinkers should keep their thoughts to themselves, for the human urge to think includes an urge to think out loud. Thought and speech are complementary, reinforcing freedoms, freedoms that partake at once of the private and social aspects of personality. The human spirit is nourished by both thought and speech, as the body is nourished by both food and water.

The Future Challenges to Openness

The future challenges to openness in America and around the world will come not from evil human impulses but from good ones. Pressures on freedom of expression and conscience will come from the progress of man—from changes in world politics, from breakthroughs in science and technology, from heightened concern for the environment and world health, from the struggle for greater racial, ethnic, and religious tolerance.

The Challenges of Environmental and Public Health Thinking

Freedom of speech in the future will be constantly challenged by the laudable human impulse to use law as an instrument for the pursuit of the good life. Restrictions on speech are often passed out of the same habits of mind that create environmental zoning or bans on smoking. Restrictions that seek to curtail vulgarity, racism, sexism, appeals to lust, or insults to religious groups, and movements to prosecute rap music or art exhibits for obscenity, or to prohibit the desecration of the national flag, are thus often seen by their proponents as simple "quality of life" measures, laws that curtail the moral pollutants that degrade individuals and undermine community values. Environmental and public health laws improve the physical quality of life and are essential to human progress. But they encourage a pattern of thought that is *not* appropriate for matters of expression and conscience.

The Challenges of New Technologies

Satellites, computer networks, and digital transmission technologies have the potential, in combination, to transform profoundly our notions of communication and freedom of speech. Forms of communication are converging, collapsing the legal distinctions that once brought a semblance of order to free speech policies. For most of this century societies could draw lines of demarcation separating print media, broadcast media, and common carriers. New technologies, however, are rendering those divisions obsolete.

Electrons know no national borders. Distance will impose few barriers in modern communication systems. The distinction between "domestic" and "foreign" publishers will gradually dissolve. Global communications satellites, the linking of multiple international communications networks, and the convergence of various communications technologies will tend to make news organizations true citizens of the world.

These are wonderful changes, but they come with threats to freedom of speech and conscience. As we become one global communications market, the contrast between the American First Amendment tradition and the thinking about freedom of speech in the rest of the international community will become increasingly vivid. The rest of the world may not be ready for our First Amendment—when they study it closely they may be shocked. For although virtually the entire globe now embraces freedom of expression as a basic human right, other nations tend to think of it as a highly qualified right—governments are usually permitted to regulate speech whenever it is deemed "reasonable" to do so. Only the United States has adopted, as part of its constitutional structure, the principle that speech may not be curtailed whenever threats to public safety, health, decorum, or morality seem to make such regulation "reasonable." Our First Amendment requires government to restrain itself from regulating speech unless the peril is grave and immediate. As we become a global marketplace of ideas, there will be inexorable pressure toward uniformity in thinking about freedom of speech. The rest of the world will either move toward the American tradition, or America will move toward a watered-down notion of freedom of speech more in conformity with international custom.

Freedom of speech is a human yearning—insistent, persistent and universal. Recent world events underscore the fantastic promise, the poignant frailty, the emotional intensity, and the increasing complexity of freedom of speech in the modern world. From Warsaw, Prague, Budapest, East Berlin and Bucharest to the Baltic States, what was once unthinkable became commonplace as mass demonstrations overwhelmed governments in one nation after another, ushering in a new epoch of freedom and democracy. In the 200th anniversary of the First Amendment, the greatest challenge of all is to work incessantly to ensure that the exuberant energies unleashed by these events are directed toward fulfillment of the wonderful promise of truly open societies.

Discussion

Rodney Smolla argues that the central goal of the First Amendment is an open society. In such a society opinions and information can be freely traded in a robust, unregulated "marketplace of ideas." Although Professor Smolla does not say that truth will necessarily emerge in an open society, he does identify important moral advantages for both government and individuals. Government gains legitimacy because an open society permits effective political participation, encourages stability and resilience, and prevents official corruption. Individuals

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gain the inner satisfaction and dignity that come from exercising "a person's central capacity to reason and wonder."

Because an open society serves such fundamental values, Professor Smolla urges that our First Amendment rights should protect openness even when the results seem at first to be unreasonable or to sacrifice the greater good of the whole society. He suggests several examples where such self-discipline is likely to be especially necessary in the future. Spawned by the environmental movement, there are growing pressures to restrict expression by legislating against "moral pollutants" like racism and obscenity. There are also significant new technologies, such as satellites and computers; these changes will provide both opportunities and dangers as they bring strong American First Amendment traditions into direct competition with international standards that are less sympathetic to the virtues of an open society.

Although the vibrant pleasures of unrestricted self-expression have strong appeal, Professor Smolla recognizes that other important freedoms are often limited for the sake of societal values. He insists, however, that free expression is different in that it is linked to "an individual's capacity to think, imagine, pray, and create" and that these capacities define what it is to be human. Do you agree that unrestricted expression is so closely linked to our humanity? If we did not have the right to burn the American flag or to speak an ethnic or racial slur, would we be any the less human? How? What would you reply to someone who believes that good medical care or adequate nutrition or wholesome family life is at least as fundamental to our humanity as such expressive rights?

A related issue worth discussing is the relationship between unfettered expression and democratic accountability. Do you think that cross burning should be protected expression even if it is intended to intimidate members of minority races? In what ways does pornography increase or decrease political participation? Is unregulated expression more essential to influencing governmental policy than is, say, rough equality in the distribution of private property?

Professor Smolla refers to "America's profound commitment" to openness. In what ways has American society made such a commitment? Do you believe that those who framed our Constitution thought they were committing us to the kinds of rights Professor Smolla associates with an open society? To what extent have our legislatures been committed to such rights? To what extent our courts? If many Americans do not approve of specific aspects of an open society—such as flag burning or obscenity—in what sense might we still have a profound commitment to an open society?

Unit III

Our Government Today: The Legislative and Executive Branches

(See page 104 of the *History–Social Science Framework.*)

Suggested Time for the Unit: 14–16 class periods

Topics in Unit III:	**Suggested Time:**
The work of present-day legislatures • Review of how the legislative branch has changed over time; how problems and inequities are addressed through legislation • Processes and issues of lawmaking (e.g., committee system, lobbying, influence of media and special interests) through case studies of, for example, tax reform, Social Security reform, environmental protection laws • Assessment of legislative practices, proposed legislation, or candidates through primary source documents and interactive strategies	7–8 class periods

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The workings of the executive branch	7–8 class periods

- Evolution and growth of presidential role and powers, including those related to war, economic crises, and world affairs; study of related primary and secondary source readings
- Analysis of presidential campaigns, international crises, and the scope and limits of presidential power (both foreign and domestic) through case studies of, for example, President Truman and the steel crisis, President Kennedy and the Cuban missile crisis, President Carter and the Iran-hostage crisis, and President Bush and the Persian Gulf crisis
- Presidential decision-making process, simulated through role play and interactive activities
- Conflicts between the legislative and executive branches

Sample Topic:	**Suggested Time for the Topic:**
Conflicts between the legislative and executive branches, an aspect of the first and second topics	3 class periods

Uses and Significance of the Topic

The separation of powers was devised by the framers of the Constitution to ensure that a representative democracy could survive in a complex society. This design has made for what playwright Maxwell Anderson once described as "a salutary delay and a blessed inefficiency." However, in some cases, it has served as an open invitation to conflict between the executive and legislative branches of government. The Constitution grants specific powers to the president; however, these powers are shared with the Congress. The president holds the power to appoint cabinet officers, ambassadors, and members of the federal judiciary with the "advice and consent" of the Senate. The executive's veto power is subject to override, while the legislative veto, challenged by the

Court in *INS v. Chadha*, continues to be an irritant in dealings between the two branches of government. As a means of avoiding possible confrontations, the executive often resorts to "agreements" with leaders of foreign powers, thus bypassing the constitutional requirement of Senate approval of all treaties.

Other factors sometimes complicating relations between the two branches, especially in domestic affairs, include lobbying and its pressures; political favors and trade-offs; and the conflicts resulting from wise long-term policies that have negative short-term consequences for the political survival of those involved. Students should be aware of these unsavory realities that characterize much of American politics today.

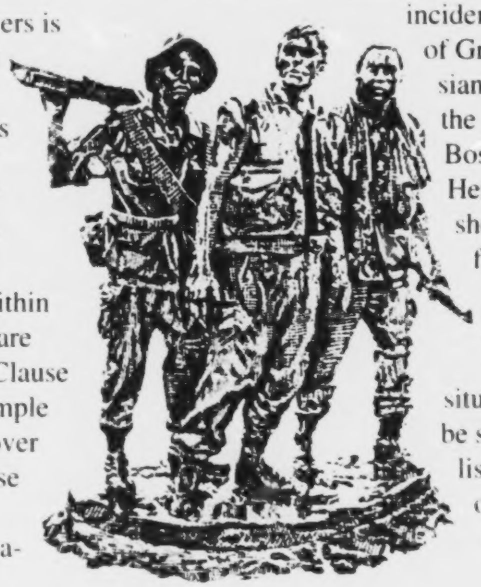
The matter of war powers is chief among the differences between the two branches. The executive branch argues that the War Powers Act of 1973 is a direct violation of the president's role as commander-in-chief, while the Congress argues that it is within its sphere of power "to declare war" (Article 1, Section 8, Clause 11). The activities in the sample topic focus on the conflict over the War Powers Act as a case study of the continuing struggle between the prerogatives of the legislative and executive branches. The case-study approach provides numerous opportunities for students to draw on knowledge gained in earlier units and courses, specifically U.S. history.

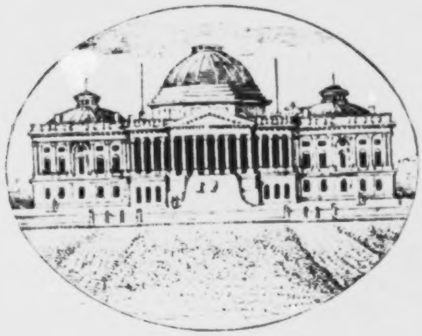
Presentation and Activities

A

Beginning the Topic

The teacher introduces the topic with a short videotape excerpt depicting presidential decision making during a military crisis (e.g., the Cuban missile crisis, the Tonkin incident, the invasion of Grenada, the Persian Gulf War, or the civil war in Bosnia-Herzegovina. A short excerpt from a Hollywood film showing a fictionalized situation may also be shown. Students list the options open to the president.





What actions would you recommend if you had served as advisers to the president? Following the brainstorming activity, students review executive powers as prescribed by Article 2 of the Constitution. Were the actions they recommended in compliance with the Constitution? Students then review the Federalist and Anti-Federalist debates over separation of powers, studied in Unit 1. (An excerpt from Madison's *Federalist Paper Number 51* appears in Appendix III-1.)

B

Developing the Topic

The class is presented with background information on the Vietnam War that focuses on the Tonkin Resolution. This may be accomplished through a student-directed review of the previous year's course in U.S. history or through a brief lecture setting the stage for the passage of the War Powers Act. See, for example *Powers of the Presidency*, page 150, listed in the "Resources for the Sample Topic."

The class is divided into two groups: one group becomes the legislative branch, and the other, the executive branch. Each group reads Article 6 of the Constitution, paying particular attention to the oath of office binding the branch it represents to support the Constitution of the United States. Students in the first group read and review Article 1 of the Constitution, and the second group studies Article 2.

Students are then presented with the War Powers Resolution (see *Documents of American History*, listed in the "Resources for the Sample Topic"). Each group prepares a position paper, citing historical precedent either to support or refute passage of the resolution. Students may refer to President Richard Nixon's veto message and to Senator Thomas Eagleton's opposition to the resolution on the grounds that it actually expanded the executive's war-making prerogatives (see Eagleton, *War and Presidential Powers*, listed in the "Resources for the Sample Topic").

After students share position papers with the entire class, teachers provide them with a series of short quotes that focus on different perspectives of the war powers issue (these are provided in Appendix III-2). Students may, instead, research conflicting viewpoints. A mock congressional hearing is conducted regarding a reappraisal of the 1973 act, in which representatives from each group express their attitudes on the constitutionality of the legislation and its impact since its passage.

C

Culminating the Topic

The study of the topic concludes with an activity that may be used to assess group performance. Teachers explain the criteria for scoring prior to beginning the activity so that students are familiar with the rubric and understand their responsibilities during the activity. Appendix III-3, an adaptation of The Center for Civic Education's "Scoring Guide for the Moot Court Hearing," serves as a model.

Students draw lots that place them in the role of defenders or opponents of the War Powers Act. Each side prepares a formal brief for presentation to a mock Supreme Court that presumably has agreed to hear arguments regarding the constitutionality of the War Powers Act (refer to the model presented in Unit 2).

Students should be aware of the Supreme Court's 1983 decision in *Immigration and Naturalization Service v. Chadha*, which established that legislative vetoes are unconstitutional. They also should be well versed on the constitutional guarantee of separation of powers. The teacher has arranged for a panel of three outside "judges" (e.g., members of the community, such as attorneys, judges, school administrators, teaching colleagues). The prepared briefs are duplicated for the panel of judges, and judges are instructed that they may interrupt oral presentations at any time with questions.

Ideally students address the moot court; however, given the restraints of class size, each student should keep a research log and notes to be submitted as part of the final assessment. Each of the briefs submitted should identify students' individual contributions. At the completion of this activity, students write individual essays on the constitutionality of the War Powers Resolution. A final grade may be based on all components: the individual research log, the group work, and the essay.

Extended and Correlated Activities

A group of students develops a reader's theater script based on the text of the War Powers Act. Students are encouraged to research reactions to the resolution and incorporate the words of supporters and opponents in their script. In a more extended version of this activity, students write, perform, and film a videotape illustrating the application of the resolution.

Students prepare a time line in which they list military actions initiated by presidents since the passage of the War Powers Resolution. They explain the situations and, for each one, evaluate arguments for or against the application of the policy. Actions include the *Mayaguez* incident (Ford administration, 1975); the Iran-hostage rescue attempt (Carter administration, 1980); the bombing of military barracks in Lebanon (Reagan administration, 1982); the invasion of Grenada (Reagan administration, 1983); Libyan bombing raids (Reagan administration, 1986); Persian Gulf naval escorts (Reagan administration, 1987); Operations Desert Shield and Desert Storm (Bush administration, 1990); the humanitarian mission to Somalia (Bush and Clinton administrations, 1992–94).

Students debate an issue other than the War Powers Act, using the following resolution: "Resolved: That the Separation of Powers Is an Invitation to Conflict Between the Executive and Legislative Branches of Government." If students conduct a formal debate, it is followed by a general debriefing and critique with the whole class. In order to involve more students, the class is divided into groups, each group preparing a debate on the same resolution; however, each group deals with a different issue relating to the resolution. If this format is followed, each team should debrief in a general class session.

The teacher and/or students may develop criteria by which the debate may be critiqued. From these criteria, a scoring rubric can be developed that students may use in evaluating their own participation and that of their peers.

Students may develop short research papers on specific conflicts between the executive and legislative branches over foreign policy. DiClerico's *Analyzing the Presidency* (see "Resources on the Executive Branch") has excellent articles that express a variety of opinions on this controversial issue. These short position papers reinforce students' research and writing skills.

For the purpose of comparison, students may review the major events of the Korean conflict and the Persian Gulf conflict and read the memoirs and biographies of major participants in both conflicts. Students should focus on the constitutional issues and questions related to these military activities, not merely on reports on the course of events.

Resources

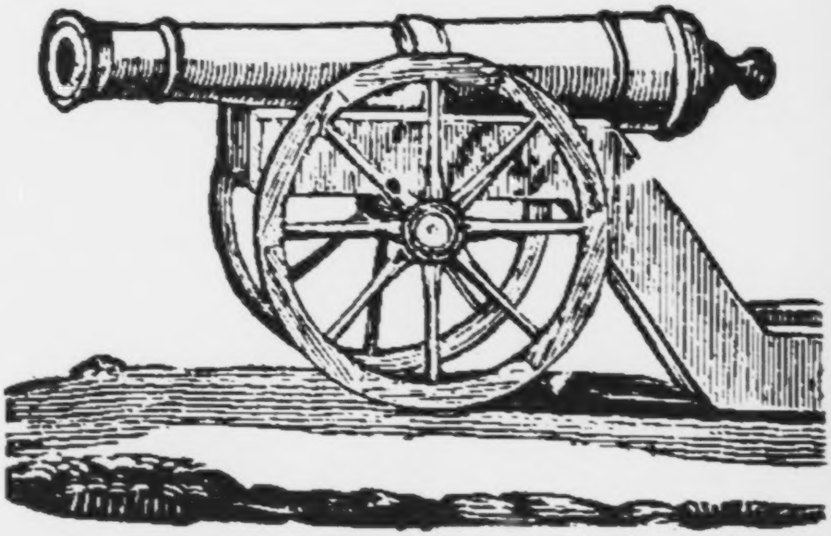
The following resources represent only a few of the many possible materials and sources that are available. Double asterisks (**) indicate works that are essential for full coverage of the unit; single asterisks (*) indicate works that are deemed important for successful coverage of the unit. For further selections, teachers should consult other bibliographies, such as *Literature for History–Social Science, Kindergarten Through Grade Eight* (Sacramento: California Department of Education, 1991).

Resources for the Sample Topic

*******American Government and National Security*. Edited by Richard C. Remy. Redding, Mass.: Addison-Wesley, 1989. This collection of 28 lessons is designed to enrich a wide variety of topics in the American government curriculum. Lesson 13 centers on the War Powers Act and includes an overview of the application, or lack thereof, of the act by the Carter and Reagan administrations. The original text of Nixon's veto message is included. The presidential veto message may also be found in *The Department of State Bulletin*, Vol. 69 (November 26, 1973), pages 662–664.

American Political Science Association and American Historical Association. *This Constitution: Our Enduring Legacy*. Washington, D.C.: Congressional Quarterly, 1988. This collection of 21 essays by eminent scholars in the fields of history, government, and law examines the underlying political philosophy of the Constitution, the evolution of the three branches of government, and several presidential-congressional contests, including those over war powers. It is an excellent collection of readings for students.

Confrontation in Government: War Powers—Who Decides? Videocassette. Random House Media/CNN, 1989. This is an examination of the debate between the legislative and executive branches of government over war powers. The program includes a teachers' guide with



suggested class activities. The videotape is available from social studies supply houses.

*******Divided Democracy: Cooperation and Conflict Between the President and Congress*. Edited by James A. Thurber. Washington, D.C.: Congressional Quarterly Press, 1990. This collection of articles by recognized scholars examines the dynamics of the give-and-take between the legislative and executive branches of government. Chapter 9, "Congress, the Press, and War Powers: The Perennial Debate," by Christopher Deering, is an excellent resource for developing the case study outlined in this topic.

***Documents of American History, Volume II, Since 1898*. Edited by Henry Steele Commager and Milton Cantor. Englewood Cliffs, N.J.: Prentice Hall, 1988. Commager and Cantor include an edited version of Public Law 93-148, the War Powers Resolution.

Eagleton, Thomas F. *War and Presidential Powers: A Chronicle of Congressional Surrender*. New York: Liveright, 1974. Senator Eagleton, a proponent of the initial war powers bill, expresses his dissatisfaction with the resulting legislation, which he believes enhances rather than limits the executive's power to declare war. This is an interesting thesis on the executive-legislative conflict over a constitutional issue. Although out of print, the book is available at most college and university libraries. It is highly recommended for both teachers and students.

***Powers of the Presidency*. Washington, D.C.: Congressional Quarterly Press, 1989. This valuable sourcebook on the powers of the chief executive presents a thorough study of Article 2 of the Constitution and the historical ebb and flow of executive power. It is an excellent source for information on military operations since the War Powers Act.

Taking Sides: Clashing Views of Controversial Political Issues. Edited by George McKenna and Stanley Feingold. Guilford, Conn.: Dushkin Publishing, 1987. This book contains articles by Barry Goldwater and Jacob Javits on opposing sides of the question "Has Congress restricted presidential war powers too much?"

Resources on the Legislative Branch

Broder, David S. *Behind the Front Page*. New York: Simon and Schuster, Touchstone Books, 1987. This is a critical look at the reporting of national news in the American media. Broder is a highly regarded political columnist based at the *Washington Post*. The author's plea for firmer journalistic ethics and higher standards is hard to dispute. The particulars of his book may be of special benefit to teachers interested in how to help students to become more discerning consumers of the news.

Can the Government Govern? Edited by John E. Peterson and Paul E. Peterson. Washington, D.C.: Brookings Institu-

tion, 1988. This Brookings study takes up the important question posed in the title. Why does government seem to work so badly? Why is it so ineffectual at solving the problems it addresses? These matters are examined through particular policy issues and governmental institutions. Contact the Institution at (800) 275-1447.

Committee: A Simulation of the Congressional Committee System. San Diego, Calif.: Interact, n.d. This comprehensive program involves the entire class over a three-week period in role-playing activities on the congressional committee system. The simulation should be reviewed and adjustments made to shorten the amount of time spent on this activity. As with all simulations, debriefing should be an integral part of the class activity.

Congress: What It Is, How It Works and How It Affects You. Three videocassettes (60 minutes). Mount Kisco, N.Y.: Guidance Associates, 1990. This three-part videotape traces the history of Congress and highlights key figures who have served in the Congress. The program features interviews with senators explaining the function of committees and the legislative process. A teaching guide accompanies the program. The videotapes are available from social studies supply houses.

Congressional Bill Simulator. Apple computer software. Focus Media, 1985. This program is an activity-based simulation of the process of making legislation. The program provides 15 prepared bills and offers the option of students' developing their own bills. Students' decisions, throughout the program, influence the ultimate passage or defeat of the legislation. This computer program is available from social studies supply houses.

A Day in the Life of Congress. Videocassette (20 minutes). American School Publishers, 1992. This is a practical, easy-to-understand video program designed to familiarize students with the workings of Congress. It is available from social studies supply houses.

Decisions, Decisions: The Budget Process. Computer simulation. Tom Snyder Productions, 1991. Students assume the roles of a member of Congress faced with budget decisions. The simulation requires students to consider the issues as well as the interests of pressure groups in determining the budget. The simulation may be played by the entire class or by multiple teams of students. It is available from social studies supply houses.

Felton, Eric. *The Ruling Class: Inside the Imperial Congress.* Washington, D.C.: Heritage Foundation, 1993. This is a scathing examination of congressional abuses of power and uses of deception. The author suggests a coherent program that he believes would restore a truly representative government.

Frantzich, Stephen E. *Write Your Congressman: Constituent Communication and Representation.* New York: Praeger, 1986. The stated purpose of this publication is to analyze strategies of communication between the public and elected representatives. This practical primer is an excellent teacher resource.

*Gerston, Larry N. *American Government: Politics, Process, and Policies.* Belmont, Calif.: Wadsworth, 1993. Most college textbooks of this kind are written for political science majors. Gerston directs his book to readers who know little or nothing about American government. High school teachers will find this concise, clear, and well-organized, textbook helpful in planning lectures and lessons on complex concepts.

Goehlert, Robert U., and Fenton S. Martin. *Congress and Law-Making: Researching the Legislative Process.* Santa Barbara, Calif.: ABC-Clio, 1989. This guide to both primary and secondary sources provides a basic bibliographic reference for students researching the legislative branch of government.

Green, Mark. *Who Runs Congress?* New York: Viking Press, 1979. This is a primer on citizen participation. Green reviews the "Capitol Hill malaise" and the public cynicism of the legislative branch. The author suggests ways in which the public may exert influence.

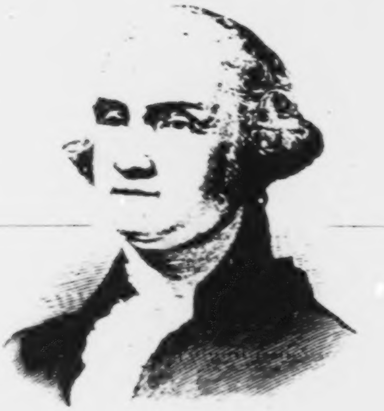
House of Representatives Simulation. DAC Education Publications, 1989. This three-hour simulation involves the entire class in a role-play activity in which students promote legislation. It is available from social studies supply houses.

Jackley, John L. *Hill Rat: Blowing the Lid off Congress.* Washington, D.C.: Regnery Gateway, 1992. This is an exposé of congressional leaders and their staffs written by a former aide to Texas congressman Ronald Coleman. Jackley discloses shady deals and describes the manipulation of the press and the spending of tax dollars to ensure reelection.

Jigsaw Politics: Shaping the House After the 1990 Census. Congressional Quarterly Press, 1990. The text explains reapportionment and redistricting and shows how political parties and incumbents become involved in the process. It also explores redistricting possibilities for each state and incorporates maps and past reapportionment records.

Lobbying and Political Action Committees. Videocassette (60 minutes). Close-Up Foundation, 1985. This program, originally produced for C-SPAN, features a discussion of the potential dangers of political action committees by a lobbyist from Common Cause. The video is available from social studies supply houses.

Mann, Thomas E., and Norman J. Ornstein. *Renewing Congress: A First Report.* Washington, D.C.: The Brookings Institution, 1993. During the 1992 presidential campaign, Congress came under fire from all sides. Mired in public disrepute and policy stalemate, it is an institution that cries out for renewal. Congressional leaders asked



Thomas Mann and Norman Ornstein, two of the nation's most noted experts on Congress and the governing process, to provide an independent assessment of Congress and to offer recommendations for improving its effectiveness. This book—the first product of that effort—takes a broad look at a reform agenda that is designed to strengthen the ability of the House to set an agenda and act on it; improve the quality of deliberation and debate; improve relations between the parties; reform the campaign finance system; and clean up Congress's internal support system. The authors are currently preparing further reports that will deal with the Senate, the budget process, and executive-legislative relations. Their works will serve as resources for the new bipartisan Joint Committee on the Organization of Congress. For purchasing information regarding this paperback, telephone the publisher at (800) 275-1447.

*Moore, John A., Jr., and Myron Roberts. *The Pursuit of Happiness: Government and Politics in America*. New York: Macmillan, 1989. This is an exceptional textbook that examines the structure of government and incorporates history, economics, literature, and science. The work includes chapters on bureaucracy, civil rights, and the media. The appendix includes a "Suggested Readings" section that provides guidelines for students and an evaluation of periodicals that range from politically radical to neoconservative.

Mundy, Alicia. "Is the Press Any Match for Powerhouse P. R.?" *Columbia Journalism Review* (September-October 1992), pp. 27-34. Mundy's article explores the issue of managed news and media manipulation by public relations firms. The *Columbia Journalism Review* is available from most large public libraries.

**Ritchie, Donald A. *The Young Oxford Companion to the Congress of the United States*. New York: Oxford University Press, 1993. More than 200 articles—illustrated and attractively formatted—provide a concise and easy-to-use guide to the people, issues, vocabulary, and activities of the U.S. Senate and House of Representatives. Ritchie's text is direct and engaging, and he uses many first-person observations excerpted from memoirs, oral histories, committee hearings, and debates. The result is a lively reference that captures the drama, humor, triumphs, and tragedies throughout history. Some of the featured topics include constitutional powers, notable members, elections and succession, agencies and staff, procedures, traditions, the capital, and leadership. Tables and charts regarding vetoes, seniority, and other information round out an extremely valuable resource for classrooms and libraries.

Separation of Powers—Does It Still Work? Edited by Robert A. Goldwin and Art Kaufman. *A DECADE OF STUDY OF THE CONSTITUTION* series. Washington, D.C.: The AEI Press, 1986. Eight distinguished constitutional scholars contribute divergent essays in response to the title's question. The authors disagree with each other in fundamental and enlightening ways. For example, Ann Stuart Anderson, arguing from a historical context, builds a compelling case for the maintenance of separation of powers as established; Donald L. Robinson calls for a revision based on "American materials." This excellent collection of writings is recommended to teachers and serious students. Contact the American Enterprise Institute at (800) 269-6267.

Smith, Hedrick. *The Power Game: How Washington Works*. New York: Random House, 1988. Smith's insider portrait of the maneuvers of power politics is filled with anecdotes about the turf games in Washington. The author's revelations expose the politics of elected officials and bureaucrats involved in a system "snarled in the blame game."

Stern, Philip M. *The Best Congress Money Can Buy*. New York: Pantheon Books, 1988. This is an exposé of special-interest groups, political action committees (PACs), and the methods of financing congressional campaigns.

Sundquist, James L. *Constitutional Reform and Effective Government*. Washington, D.C.: The Brookings Institution, 1986. This is a provocative analysis of the weaknesses of the political system under the Constitution. Sundquist identifies what he sees as three fundamental problems: the electoral system; the two-year interval between national elections; and the absence of a speedy remedy for replacing a "failed" government. The work should be used to challenge students to discuss and evaluate alternatives to the current structure of government under the Constitution.

Will, George. *Restoration: Congress, Term Limits and the Recovery of Deliberate Democracy*. New York: The Free Press, 1992. Political commentator Will urges term limits as a fundamental reform. The author argues that term limits will make Congress more responsive to constituents and less likely to succumb to political pressure groups. He argues that limitations will bring Congress more in line with the framers' ideas of representative government.

Resources on the Executive Branch

Cornin, Thomas S. *The State of the Presidency*. Boston: Little, Brown, 1980. In this excellent study of the executive branch of government, the author makes a comprehensive appraisal of the office of the presidency, from the process of selection to the conflicts among branches of government throughout its history.

Cunliffe, Marcus. *American Presidents and the Presidency*. New York: McGraw-

Hill, 1976. Cunliffe, a noted British historian, examines the presidency from the time of Federalist–Anti-federalist debates over executive power up to the Watergate era. This is an exceptionally good historical analysis of the presidency. Cunliffe's *The American Heritage History of the Presidency* (American Heritage Publishing, 1968) is another good historical study, richly illustrated.

DiClerico, Robert. *Analyzing the Presidency*. Guilford, Conn.: Dushkin Publishing, 1985. This is a series of excellent essays on the roles of the president and Congress in making foreign and domestic policy. Essay 17 by John Tower summarizes the congressional desire to participate in the foreign policy arena during the post-Vietnam era. Essay 18 provides a basis for comparing domestic- and foreign-policy decision making.

Gutman, Roy. *Banana Diplomacy: The Making of American Policy in Nicaragua, 1981–1987*. New York: Simon and Schuster, 1988. This is a critical behind-the-scenes appraisal of President Reagan's policy toward Nicaragua.

Kennedy, Robert. *Thirteen Days*. New York: Norton, 1969. In this classic account of the Cuban missile crisis, Kennedy discusses the fundamental aspects of the presidential decision-making process.

LaFaber, Walter. *The American Age: United States Foreign Policy at Home and Abroad Since 1750*. New York: Norton, 1989. In this historical study of American foreign policy through the Reagan administration, the author discusses the concentration of foreign policy decision making in the hands of the chief executive. This is a good study of the relationship between foreign policy and domestic affairs.

Lenczowski, George. *American Presidents and the Middle East*. Durham, N.C.: Duke University Press, 1990. The author traces the U.S. policy toward the Middle East from the Truman through the Reagan administrations. The author discusses the link between foreign and domestic policies and argues that each of the presidents tended to let domestic concerns dominate foreign policy decisions in the Middle East.

McConnell, Malcolm. *Just Cause: The Real Story of America's High-Tech Invasion of Panama*. New York: St. Martin's Press, 1991. The author examines the "high-tech" military campaign against Panamanian president Noriega in 1989, which the Bush administration named Operation Just Cause.

Marcus, Maeva. *Truman and the Steel-Seizure Case: The Limits of Presidential Power*. New York: Columbia University Press, 1977. This is a case study of the controversial decision to allow the federal government to seize the steel mills during a national crisis. Marcus chronicles the events leading to Truman's decision and the impact of the Supreme Court's ruling in *Youngstown Sheet & Tube v. Sawyer* on American constitutional history.

The Modern Presidency. PBS videotape, 1989. This five-part series includes a focus program on the challenges to the presidency from the Nixon to the Reagan administrations. Also included are interviews with Presidents Nixon, Ford, Carter, and Reagan. The length of the programs varies from 21 minutes to 59 minutes.

Morris, Richard, and Jeffrey Morris. *Great Presidential Decisions.* New York: Richardson, Steirman and Black, 1988. This collection of primary source documents related to presidential decision making from Washington to Reagan includes material on the Cuban missile crisis, the Vietnam War, Panama Canal treaty and the Iran-Contra affair.

**Patrick, John, and Richard Remy. *Lessons on the Constitution.* Boulder, Colo.: Social Science Educational Consortium, 1987. This is an all-purpose resource book. The case study of President Truman's decision to allow the takeover the steel mills in a national crisis is a good extended activity for showing the role of public opinion and the Supreme Court in checking presidential power.

The President and the Public. Washington, D.C.: Congressional Quarterly Press, 1990. This useful book explores presidents' responses to the public and public reaction to the presidency. It is a well-researched book and a good resource for students.

Rosen, Jerold, and Marshall Croddy. *Presidential Decision Making: Role-Playing Experiences in Twentieth-Century American History.* Jerold Rosen Communications, 1979. The simulation program focuses on five critical presidential decisions: Wilson's declaration of war, Roosevelt's relocation order, Truman's decision to drop the atom bomb, Kennedy's Cuban blockade; and Nixon's decision to resign the presidency. Students assume the roles of major figures during the crises, develop position papers, and debate issues. The simulation is available from social studies supply houses.

Schlesinger, Arthur M. *The Imperial Presidency.* Boston: Houghton Mifflin, 1973. This is an exceptionally good study of executive power, as it was conceived by the framers of the Constitution and as it expanded up to the Nixon era.

The 30-Second President: A Walk Through the Twentieth Century. Videocassette (58 min.). This documentary, narrated by Bill Moyers, examines the evolution of political commercials in presidential campaigns, from the Eisenhower campaign in 1952 to the election of 1976. The videotape is available from social studies supply houses.

The Washington Lobby. Washington, D.C.: The Congressional Quarterly, 1987.

139 This is an excellent study of formal and informal lobbying, from the practices of the executive branch to those of grass roots lobbyists. Legislation regarding lobbying is discussed, as well as strategies of lobbyists and political action committees (PACs). Nine well-developed case studies are also presented, including one on gun-control lobbies and one on foreign lobbies.

E
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Appendix III-1

An Excerpt from
Federalist Paper Number 51

Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other—that the private interest of every individual may be a sentinel over the public rights. These inventions or prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconvenience is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient.

Appendix III-2

Reflections on the War-Making Power of the President and the War Powers Act

The following quotes illustrate disparate points of view that American leaders have held, from the eighteenth century until the present, toward the power of the president and the Congress to declare war.

> Every just view can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging of the causes of war, is fully and exclusively vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing Congress, wherever such a question seems to call for a decision, is all the right which the constitution has deemed requisite or proper.
>
> JAMES MADISON, 1793

The following is a reference to President Truman's decision to send troops to Korea.

> The President simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea to carry out the resolution of the United Nations in an undeclared war. . . . I do not believe the President has the power to send troops to one country to defend it against a possible or probable attack by another. (Cited in Raoul Berger, "The Constitution Is Clear Enough," *Nation*, Vol. 216 [March 26, 1973], p. 393)
>
> SENATOR ROBERT TAFT (R., OHIO)

(Continued on next page)

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Reflections on the War-Making Power *(Continued)*

[The war powers act would] seriously undermine this nation's ability to act decisively and convincingly in times of international crisis (Cited in *The Department of State Bulletin,* Vol. 69 [November 26, 1973], p. 664)

Some recent presidents have failed to defend their office's prerogatives, allowing Congress to establish easements across the constitutional powers of the presidency that time and use may make permanent. This is a deeply worrisome development, for America has usually prospered most in eras of strong presidents, and the state of today's world makes the capacity for strong executive action more important than ever. (Cited in *Divided Democracy: Cooperation and Conflict Between the President and Congress.* Edited by James A. Thurber [Washington, D.C.: Congressional Quarterly Press, 1990], p. 188)

JUDGE ROBERT H. BORK

[The War Powers Act is a] blank check for ninety-day presidential wars . . . [it is] a culmination of an era of congressional surrender. (*New Republic,* Vol. 171 [November 9, 1974], p. 40)

SENATOR THOMAS EAGLETON, (D., MO.)

In the earliest days of the Reagan administration we had serious discussions in the cabinet about the possibility of a legal challenge to the War Powers Act. A decision not to proceed was made on the grounds that it would be difficult to bring the question before a court on the appropriate issue. . . . This administration should have made a head-on fight against congressional efforts to micromanage foreign policy, and the next administration should also fight this trend head on, for it is finally incompatible with all the requirements for effective American foreign policy. (*Divided Democracy: Cooperation and Conflict Between the President and Congress.* Edited by James A. Thurber [Washington, D.C.: Congressional Quarterly Press, 1990], p. 188)

AMBASSADOR JEANE J. KIRKPATRICK

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The War Powers Resolution extends Congress' powers beyond that of declaring war; the Resolution allows Congress—without even casting a vote—to deprive the President of his authority to deploy and move troops in situations that may fall short of war. (Cited in *Divided Democracy: Cooperation and Conflict Between the President and Congress.* Edited by James Thurber [Washington, D.C.: Congressional Quarterly Press, 1990], p. 189)

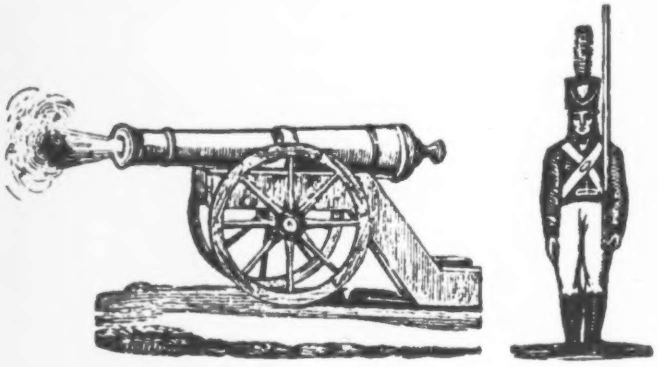
SENATOR GEORGE J. MITCHELL (D., MAINE)

With the war powers resolution's passage, after 200 years, at least something will have been done about codifying the implementation of the most awesome power in the possession of any sovereignty and giving the broad representation of the people in Congress a voice in it. This is critically important, for we have just learned the hard lesson that wars cannot be successfully fought except with the consent of the people and with their support. (Cited in *Powers of the Presidency* [Washington, D.C.: Congressional Quarterly Press, 1989], p. 151)

SENATOR JACOB JAVITS (R., NEW YORK)

The war powers bill is not the correct way to tackle this issue. To my mind, the bill is improper, unwise, and perhaps illegal. . . . It would unwittingly allow a militant Congress to initiate a nuclear holocaust. And it may incite one of the gravest constitutional crises in American history. (Cited in *Powers of the Presidency* [Washington, D.C.: Congressional Quarterly Press, 1989], p. 155)

SENATOR BARRY GOLDWATER (R., ARIZONA)



Appendix III-3

Scoring Guide for the Moot Court Hearing

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For each criterion listed, score the group on a scale of 1 to 10, with 10 being the best score.

1–2 = Poor   3–4 = Fair   5–6 = Average   7–8 = Above Average   9–10 = Excellent

	Score	*Notes*
1. **UNDERSTANDING**: To what extent did participants demonstrate a clear understanding of the basic issues involved in questions?		
2. **CONSTITUTIONAL APPLICATION**: To what extent did participants appropriately apply knowledge of constitutional history and principles?		
3. **REASONING**: To what extent did participants support positions with sound reasoning?		
4. **SUPPORTING EVIDENCE**: To what extent did participants support positions with historical or contemporary evidence, examples, and/or illustrations?		
5. **RESPONSIVENESS**: To what extent did participants' answers address the questions asked?		
6. **PARTICIPATION**: To what extent did most group members contribute to the group's presentation?		

Group Total: ____________

Judge: ________________________

General Comments:

This scoring guide was developed by the Center for Civic Education, Calabasas, California, for its *We the People . . .* simulated congressional hearing. Used by permission.

Unit IV

Federalism: State and Local Government

(See page 105 of the History–Social Science Framework.*)*

Suggested Time for the Unit: 20 class periods

Topics in Unit IV:	**Suggested Time:**
■ Principles of federalism, including the division of power among federal, state, and local governments • Issues handled at each of the three levels • Overlapping jurisdictions: conflicts and resolutions (e.g., transportation, housing) • How people can become involved in state and local governments • Differences among local, state, and federal regulatory agencies; important functions of city and county governments' branches or agencies (e.g., planning commission, grand jury)	9 class periods
■ Historical background: the gradual usurpation of state and local powers by the federal government • Review of pertinent events from U.S. history • Powers still retained at state and local levels • Centralization: solution or problem? The effects of centralization on citizens' participation	3 class periods
■ Analysis of significant school policy issues • How public education is governed and financed • How policies affecting schools are influenced and decided • Examination of pertinent topics (roles of local and state school boards, state legislation, current initiatives affecting schools, public and individual influence on school issues and policies)	3 class periods

Citizenship: voting and beyond • Voting (an overview of the election process; responsibility to register and vote; ways to become involved in the electoral process; ways to become informed on an issue) • Jury service, volunteerism, involvement in community issues and organizations; opportunities and encouragement for students to volunteer for responsibilities in schools and communities; ways to influence governmental policies or action • Civil society in a democracy: what it is and how it relates to good citizenship; the importance of the individual as the basis for civil society in a constitutional democracy	5 class periods and ongoing

Sample Topic:	**Suggested Time for the Topic:**
The function of a school board or planning commission (an aspect of the first topic)	3 class periods

Uses and Significance of the Topic

The U.S. system of federalism involves dual levels of governments—that of the national union and those of individual states. The central government and the state governments operate supreme within their respective spheres of power. The U.S. Constitution specifically delegates powers to the national government and reserves powers for the states; other powers are shared by both central and state governments. From their study of U.S. history, students should be aware of the roles and functions of the national government and understand how some roles have changed over time.

Unit IV begins with a review of American federalism and the reasons for which it was established. Students should see the vital connection between the principles of "consent of the governed" and "balance of power" and the federal structure distributing power to states and smaller localities. This is one of the ways the Constitution ensures individual liberties; with the liberties comes what one jurist describes as "the other side of freedom," that is, responsibilities. It is the concurrence of the two that explains a remark once made by Benjamin Franklin. Leaving the 1787 convention after signing the Constitution, Franklin is said to have been asked, "What have you given us?" The venerable Philadelphian replied, "A republic, if you can keep it." The keeping and regaining of that republic depends upon the character, hard work, and steadfastness of citizens today. These issues constitute an important part of this unit's study.

Essential to the unit are selected readings from the *Federalist Papers* and Alexis de Tocqueville's *Democracy in America*. Particularly pertinent in its examination of moral consensus at the local level is *Federalist Paper Number 45;* surprisingly, it is one of the less well known of the essays and deserves close study by teachers and students. The Phillips Bradley edition of *Democracy in America* (New York: Vintage Classics, 1972) is available in two paperback volumes. Several chapters from Volume 2 provide a rich textual backdrop for this unit. The chapters listed below are taken from the second book of Volume 2, *Influence of Democracy on the Feelings of Americans:*

Chapter 1, "Why Democratic Nations Show a More Ardent and Enduring Love of Equality Than of Liberty," pages 94–97

Chapter 2, "Of Individualism in Democratic Countries," pages 98–99

Chapter 4, "That the Americans Combat the Effects of Individualism by Free Institutions," pages 102–105

Chapter 8, "How the Americans Combat Individualism by the Principle of Self-Interest Rightly Understood," pages 121–124

Chapter 13, "Why the Americans Are So Restless in the Midst of Their Prosperity," pages 136–139 (see especially the final four paragraphs)

Chapter 14, "How the Taste for Physical Gratification Is United in America to Love of Freedom and Attention to Public Affairs," pages 140–142

Though written in the 1830s, *Democracy in America* speaks to the American condition and experience today. Although chapter titles are seemingly sanguine, Tocqueville's work contains pithy observations, cautionary wisdom, and melancholy reflections on serious and troubling issues.

The cited selections from *Democracy in America* help students to better link historical material to present-day issues. For example, students gain deeper insight into the concepts of self-interest and equality by contrasting Tocqueville's definition with today's popular notions of "looking out for number one" and "economic democracy." Passages drawn from Chapter 13 help students perceive how an indifferent individualism may be offset by participation in local associations, such as service clubs, community action organizations, churches, charity drives. It is the belief of many social observers today that volunteerism and participation in *voluntary associations* (Tocqueville's term) is on the decline, particularly in certain age groups. Students discuss the current situation and suggest reasons for such a decline. What is the long-term impact on society?

In Appendix IV-7, "Readings for a Civil Society," the enduring relevance of Tocqueville's work to our lives today is demonstrated further in the juxtaposition of an excerpt from Chapter 14 of Tocqueville's book with excerpts from contemporary writers.

While the *Federalist Papers* and *Democracy in America* are studied throughout the unit, the sample topic described in the sections to follow focuses on examples of local government in action. Before beginning the activities, students should be familiar with the differences between state and local responsibilities and the reasons for the distinction in their duties.

All citizens live in communities served by some form of local government: city, county, special district, or all three. In California, local governments comprise 58 counties, and approximately 470 cities, 1,000 school districts, and 5,000 special districts. Thus, whatever the levels or locale, government directly affects most aspects of people's daily lives.

A distinguishing characteristic of local government is the nature of its relationship to state government. For example, whereas the national and state governments share power in a federal system, local governments are legally subordinate to the state of California. The national government may alter state boundaries only with the consent of the states involved; in contrast, the state of California has the ultimate legal power to change county boundaries and to establish conditions governing the creation and growth of cities. Since the state's legal authority is superior, state government bears a major responsibility for the operations, successes, and failures of local government. Understanding local government will help students grasp the unique attributes of national and state politics as well. By examining California's state constitution, students will more fully realize the articulated powers of state government in relation to local and national responsibilities.[1]

By comparing the three levels, students should understand that although the structures may differ, different intensities of popular control are visible in all three. Recent shifts of some state responsibilities to local levels are affecting agencies as well as citizens; the effects, and the reasons for them, should be examined by students in light of the changes over past decades. The second topic for the unit encourages students to identify some of the shifts and to analyze their impacts. Finally, students should see how local government provides perhaps the most immediate opportunities and outlets for

State Assembly in Session, 1929. Courtesy of the California State Library, Sacramento, California.

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[1] The California Legislature issues a helpful paperback book containing the texts of the state constitution, the U.S. Constitution, the Declaration of Independence, the Mayflower Compact, and other major documents of constitutional heritage. Teachers may obtain class sets of the book, free of charge, provided orders are typewritten on school letterhead stationery. Orders should be addressed to the Legislative Bill Room, State Capitol, Room B32, Sacramento, CA 95814. Specify the book by name, *The Constitution*.

civic participation and is a good "training ground" for other levels of political involvement.

Many of the lessons and activities in this unit have been adapted from material in two sources: *Participating in Local Government: A Guide for Teaching Local Government* and *Understanding California State Government*. Teachers may want to obtain copies of these publications for their own personal use. See "Resources for the Sample Topic" for purchasing information.

Note: Many of the activities described in the "Presentation and Activities" section have been noted to work especially well with students in Chapter 1 and migrant education programs. Students benefit when instruction is linked to their own communities; examples are more immediate and personal, and the students more easily see themselves as responsible and contributing members of society. Through the activities in this unit, students can be brought into direct contact with officials who serve on governing bodies; they can attend meetings of local government agencies; they can take a stand for or against issues studied; and they can use newspapers when studying issues that affect the local community. In addition, the simulation activity in "Culminating the Topic" provides opportunities for reinforcing collaboration and participation skills.

Presentation and Activities

A

Beginning the Topic

To begin a study of local and county government agencies, the teacher distributes copies of Appendix IV-1, "Levels of Government: Government Walking Trips" to students. They should know that they will be taking an imaginary walking trip through their community to identify as many government services as possible; a few minutes are spent brainstorming possibilities to initiate the activity. On the handouts, students write down the levels of government they think provide the listed services, putting question marks after those about which they are uncertain. Students are told beforehand that sometimes there are overlaps among the levels of government in providing the same service.

The class is divided into groups of four or five persons. Groups discuss and expand their lists and verify the levels of government providing the same service. On a chalkboard, chart, or transparency, columns are created for federal, state, and local government; students make generalizations or give examples of the kinds of services they would expect to find under each level of government. They may rely on personal experiences to make their lists. (See examples at the bottom of this page.)

Students read "The Structure of California Government," Chapter 2, pages 13–17, of *Understanding California State Government*, noting references to the kinds of services provided by federal, state, and local governments. The recorded generalizations are modified or changed on the chalkboard or transparency. In this way, the reading confirms or corrects students' initial impressions and understandings.

In a brainstorming session, students suggest key decision makers in their local community, encouraging them to consider who, other than officeholders, are in positions of power. They then read *Participating in Local Government*, pages 18–23.

Developing the Topic

As a corollary to the reading, students participate in a mock decision-making process regarding local land use. Copies of "Not in My Backyard" (Appendix IV-2) are distributed. Students work individually or in pairs, considering the potential land uses and giving the rationale for their decisions. The following questions serve as discussion guides:

- Are there any current land-use issues in our local community?

Examples of Governmental Services

Federal	*State*	*Local*
• National defense • Federal income taxes • Interstate commerce regulation	• Governance of local elections (also a county responsibility) • Granting licenses to local drivers • Controls and licenses, e.g., boxing and karate matches in the state	• Maintenance of town parks • Garbage collection • Repair of civic auditorium

- Are there any controversial building developments? List the reasons that were given for those uses that were generally acceptable by a majority of the class. Why were they acceptable?
- What were the common factors for those facilities that were not accepted by the class? Why were these factors unacceptable?

Students categorize the negative factors, grouping together those that seem to be similar, under common headings. Some possible topic headings are Decrease in the Quality Of Life, Economic Factors, Fear or Safety Considerations, and Changes in Neighborhoods.

Of the land-use proposals not acceptable to the class, which might be appropriate to other sections of the city? Why? Are some proposals better situated in, say, areas with many apartment houses and a high percentage of renters? In a commercial or industrial area of the community? In an area of government property (e.g., near a civic center or courthouse)? The pros and cons of such strategies are developed in class. Is it easy to determine how much influence neighbors should have over the types of land uses proposed for their area? To what extent should local government limit landowners' rights to develop their properties or limit neighbors' rights to influence development in their area?

One wall of the classroom may be designated as a "spectrum" (see Appendix IV-3). Students place themselves along the spectrum based on their opinions related to individual rights versus community rights. This activity may be repeated at the end of the unit to determine whether there have been changes in students' opinions regarding the extent of control that local government should have over citizens' lives.

Teachers may explain the responsibilities of the planning commission, including the background of its origination, its purpose, its structure, and its mode of operation. If possible, a member of the local planning commission should visit the class to discuss the agency and to answer students' questions.

C

Culminating the Topic

Students role play an actual planning meeting that is based on the selection of a site for a new high school, the situation described in Appendix IV-4. The simulation is planned so that the entire session takes place in one class period. Students study Appendixes IV-4 and IV-5, then form citizens appeal groups. In stating arguments for or against a particular site, student groups prepare brief statements

to share with the commission. If desired, they may state their cases from the vantage points of parents, retired citizens, school leaders, environmentalists, merchants or business leaders, youth groups, and other citizens.

An agenda for a 45-minute simulation is organized and distributed. The agenda may include the flag salute, opening remarks, a review of the builder's proposal (with testimony by the builder), limited time for citizens' comments (four or five sentences, neatly summarizing each viewpoint). It is beneficial if actual school board or planning commission members help in preparing the agenda and in evaluating the students' simulation. The aim of the activity is for students to understand how an agency of local government functions. This aim, along with the involvement of responsible community members, should engender a seriousness of purpose. Students should make their presentations as genuine as possible and avoid parodies or caricatures. The simulation ends with the student board members casting votes based on the facts of the case and the arguments presented.

Before beginning the culminating activity, students should understand that it serves as part of the assessment for this unit of study. Students and the teacher should develop a rubric to be used in evaluating presentations during the simulation. The rubric can include criteria for evaluating research and preparation, demonstrated knowledge of the roles being enacted, seriousness of purpose, and participation. The criteria should be understood by the students before the simulation.

Students submit notes and self-evaluations, which are assessed along with their performances.

The organization of city governments varies, not only among regions of the nation but also among cities in a state. Richard C. Remy's textbook, *United States Government: Democracy in Action* (Glencoe/Macmillan, 1993) contains a good discussion of three fundamental forms of municipal government. ("Governing Cities, Towns, and Villages," pages 774 ff.) After students have identified the type of structure that best describes their local system, they research local ordinances pertaining to school construction and zoning. How would such ordinances affect the simulated meeting? Students consider how local laws are made and how local ordinances are interpreted and carried out. Is there such a thing as a local constitution? Does it differ from a city charter and, if so, how?

Alternate Strategy for the Sample Topic

The class collaborates in developing a list of current issues facing state and local governments. As they are recorded, the issues are briefly discussed. Students then place the issues in the following categories: issues addressed at the local level; issues addressed at the state level; and issues addressed at the local, state, and national levels.

In preparation for the following day's activity, the teacher records on an index card each issue raised. If there are fewer issues than students in the class, duplicate cards are created so that each student will have a specific issue; or, issues may be added that teachers think should have been raised during the brainstorming session. "Stations" are set up around the classroom, identified by posters as City Council, County Board of Supervisors, County Grand Jury, State Legislature, Environmental Protection Agency, Better Business Bureau, School Board, City Planning Department, and others appropriate to the issues that were raised. The names of the representatives and senators who represent the district and the state may be added to the posters.

Students draw at random from the stack of index cards. For homework, they investigate the topics they drew, perhaps discussing the issues with parents or consulting local newspapers. They decide which of the posted agencies would most likely deal with the issue. Students also devise a possible strategy for addressing the matter and prepare to share their work with classmates the following day.

The next day, students stand at the classroom "station" of the most appropriate agency or authority. Each student explains to station mates the reason he or she selected that station and then recommends strategies to address these issues. What other avenues might be used to obtain redress? The activity concludes with a general discussion of ways and methods of addressing grievances. Assessment is based on students' research, action plans, and discussion.

This activity is the beginning point for an ongoing participation project to culminate in Unit VI. Teachers explain to students that they will be researching in depth one of the issues raised in the station activity. Their research may entail reading about problems related to an issue and analyzing them; interviewing local officials or volunteers; maintaining a log of research activities; possibly making a speech to a service club or writing a letter to a newspaper editor; becoming a volunteer in order to alleviate a problem or fill a need; or making a presentation to a student forum. Students should select an issue that interests them sufficiently to maintain their interest through the completion of the project in Unit VI.

Some students may choose not to become involved in voluntary service. In this case, the research, investigation, formulation of an action plan, log of research activities, and portfolio of work may constitute the extent of their participation. Additional alternatives are described in "Uses and Significance of the Topic" and the sample activities in Unit VI.

While students may work independently, they are encouraged to work in pairs, trios, or slightly larger groups. The groups work collaboratively, each submitting one portfolio of work related to the issue that members selected.

The groups' initial meetings, therefore, will have the specific purpose of delegating responsibilities for researching the issue that was selected. A list of the assigned tasks, as well as any later changes in the list, is filed with the teacher. In addition to printed materials, such as newspapers, minutes, reports, and briefing papers, interviews may be used as a method of obtaining information on the subject. Each group prepares a paper that

- Identifies the central issues
- Concisely states the specific problem
- Provides a "fact sheet" that lists both sides of the issue under review
- Lists steps that may have been taken in the past to address this issue

After preliminary research, students devise action plans to address the issue. Students keep portfolios that contain logs of activities; research notes; formal paper; copies of letters and responses; audiotapes of interviews or questions asked and notes of responses; videotapes; and other appropriate data on which students wish to be assessed. Students may write letters to the editors of local papers, address service clubs and community organizations, or take other appropriate action to build support for their cases.

The activity culminates with reports by each group on its action plan and the degree to which it achieved its goal of resolving the problem or issue. What were the more effective strategies? What other alternatives might have been used? What support was received from the community? Assessment need not be based on actual accomplishment of the goal but rather on the process students used to achieve redress. Students who chose an independent research project may present their papers at a student forum. (The teacher and students should collaborate to develop a rubric for assessment before students begin their projects.)

Students may conduct a self-assessment exercise. In this case, students provide written critiques of their plans that support their self-evaluations with references to research and specific programs they employed. In addition, the teacher can present a local or state issue that was not addressed by students and have the class work in its original groups to devise a three-point to five-point strategy for redress. The written exercise explains each step employed and the reasons for choosing these options.

Activities for Other Topics

Students can develop an understanding of local government agencies (e.g., the city council, county board of supervisors, grand jury, school board, and the Better Business Bureau), as well as some of the current issues with which they contend. In addition to reading from such textbooks as *United States Government: Democracy in Action*, by Richard Remy (see pages 750–800), students may read newspaper articles and agency newsletters to research the work of agencies.

Student teams may collaborate to investigate a particular agency; then each team reports to the whole class, displaying charts or diagrams to enhance the oral presentation. Alternatively, representatives from several agencies may present brief talks to the class. A "visitation day" may also be held, during which five representatives from five different branches of county and city government present talks of eight to ten minutes. Presentations should incorporate answers to the following questions:

- What is the purpose of the organization?
- How did it come to be?
- How is it organized?
- What service does it provide?
- What is one example of a current issue with which it contends?
- How do individuals become involved with this organization?

The day after the presentations, student groups are given cards on which a variety of undertakings are listed, such as public review of local schools, the widening of a county-maintained road, the beautification of Main Street, and investigation of misappropriation of money in county government. Basing their responses on the previous day's talks, students determine the agencies responsible for each task.

Each year, the California Department of Consumer Affairs issues the *Consumer Resource and Referral Guide*, a directory of numerous state, federal, and local agencies that explains each agency's function and location. It outlines the types of complaints handled by each agency, the types of complaints that are beyond its jurisdiction, and the methods of registering complaints. It would be useful for each classroom to have a copy of the guide for reference and research. For purchasing information, submit a self-addressed, stamped, legal-size envelope with the request to: Publications List, Department of Consumer Affairs, P.O. Box 310, Sacramento, CA 95802.

Appendixes IV-6a through IV 6-c provide materials that help students to consider questions and problems in city planning. Individually or in small groups, students devise plans for a new city, compare their plans with the plan for the professionally developed city of Caltopia, and support or dispute the two proposed designs. The teachers' guide *Participating in Local Government*, listed in the "Resources for the Sample Topic," contains a more detailed description of this activity and is strongly recommended.

The fourth topic in Unit IV relates to citizenship and provides opportunities for examining not only the election process but also the roles of a citizen, a political party, a politician, and the media in the political process (see opening pages of the unit). Materials on these subjects are listed in "Resources on the Election Process." The essay "Politics in a Free Society," which appears as an epilogue to these course models, may also be used in teaching this topic.

California State Capitol rotunda. Courtesy of the California State Library, Sacramento, California.

Section I of the essay, on citizenship and political participation, is divided into subsections and is, therefore, easily assigned in parts among class members. Student pairs or trios may study the assigned portion and then restate the key points in their own words. They provide examples from everyday life that support those points. For example, why is it necessary for a citizen to be able to think critically, as asserted in "Individual Participation: The Rights of the People?"

After preparing examples, students collaboratively develop answers to assigned questions, such as "Based upon your reading, what peculiar challenges do representational democracies face? What strengths or positive features help counterbalance these drawbacks?"

Teams present digest versions of their assigned sections, using the points raised in discussion. Reports are limited to three minutes, followed by two minutes for questions or comments. Classmates are accountable for information in the presentations by taking notes and, for homework, keeping a dialectical journal (e.g., "What Was Said," "How This Is (or Could Be) Important to My Life as a Citizen"). Presentations may be given consecutively in one class period or for a few minutes each period over three days. (See Appendix I-2 for a more detailed description of a dialectical journal.)

Students should contrast the Bismarckian vision of politics (see the epilogue to these course models, "Politics in a Free Society") with Aristotle's teaching that the function of statesmanship is to care for the souls of citizens by encouraging virtuous behavior. Students should see that the moral principles that hold free societies together contradict the notion that politics should be indifferent to the ends to which power is applied or to the quality of the human aspirations it enables.

Some teachers prefer to use "Politics in a Free Society" after students have studied comparative world governments, fascism, and communism (see Unit V) and have a broader understanding of abuses of power and lack of consent. Regardless of when or how it is assigned as a reading, "Politics in a Free Society" is easier and more interesting to read than some government textbooks and is a valuable resource for teachers and students.

Although *Democracy in America*, by Alexis de Tocqueville, was written in the 1830s, it remains one of the classic discussions of the character of citizens in a self-governing society. Appendix IV-7, "Readings for a Civil Society," can be used as a basis for discussing a passage from Tocqueville's work in relation to conditions in our own time. The appendix consists of five quotations, one from Tocqueville's *Democracy in America* and four from modern sources. Students read the Tocqueville passage and identify what he sees as dangers to a democratic people; they then cite instances from daily life that exemplify the types of conditions about which Tocqueville wrote.

Students then read the excerpts by Kalle Lasn, Paul Gagnon, and Elizabeth Thoman. How do the readings echo or elaborate on Tocqueville's concerns? Does the preoccupation with television help foster what Tocqueville identified as a negative strain of self-interest? What can be done by individuals to counteract such detrimental conditions the writers describe? Students may discuss the questions in small groups, then report to the whole class. Their responses are recorded on the chalkboard by the teacher.

Students then read the last quotation. What is genuine citizenship, according to Michael Joyce? How is a civil society dependent on the integrity or character of its individual citizens? Do you concur with Joyce's ideas for the revitalization of civil society? What practical examples might help bring about such a revitalization? Is there reason to share his hope? What must happen locally to improve the quality of civil society?

This activity may be revised as a brief Socratic seminar or as the basis for a reflective essay.

Extended and Correlated Activities

Students explore the ethical issues involved in government decisions. For example, should a council member or legislator answer only to the desires and needs of his or her constituent district or to the entire state, nation, and world as well? If an elected official represents a district's interests, to what extent should the representative consider the needs of all the people of the district? Should the legislator reflect the interests of voters over nonvoters? Of campaign contributors? Of his or her political party? What action should be taken if the greatest good for one element of the constituency harms or limits the options of another element, in the matter of raising taxes to support schools, for example? Consider the problems raised by campaign contributions and how they affect a legislator's vote.

Students choose a contemporary issue. They analyze how certain groups might respond to the issue and how each would approach its legislators. They recommend legislation concern-

Many citizens believe the assistance they receive from law enforcement officers to be the most important service provided by state and local governments.

ing the issue, develop arguments supporting their proposed legislation, including a consideration of long-term consequences, and state how the recommendations will affect various interest groups.

Students compile a list of services provided by the state, rank them in order of importance as determined by the class, and state reasons for the ranking. Elected state officials or state employees could be asked to rank them also. The two sets of rankings are then compared. What accounts for the differences in rankings?

Students examine a state budget chart and compare the amounts of money spent on various categories of services. Students could look for correlation between the importance of services and the amount of money spent on providing those services.

Students keep a log of current issues that are before the city council, county board of supervisors, or local school board and write articles for the school paper that address issues of interest to students. Local or community newspapers might be willing to publish a weekly column that presents a student's view of local and state issues.

Following a study of local government, students work in small groups to construct a municipal government structure which they feel would govern the local community more effectively; they then compare the strengths and weaknesses of the two structures.

Students may participate in a teen court or peer program. Such an activity not only familiarizes students with the juvenile and adult criminal justice system and the citizens who work within that system, but it also provides opportunities for students to participate as jurors, district attorney, counsel for the defense, bailiff, or court clerk. Involvement in teen court programs strengthens students' understanding of local and state government and can prepare them for later obligations of citizenship, such as jury duty. For information regarding local teen or peer court programs, schools may contact their district or county offices or the School Law Enforcement Partnership at (916) 657-3688 or (916) 657-2989.

Students may research the lobbying process in California and evaluate current programs that place controls on lobbying. Students assume the role of lobbyists and devise a plan, adhering to existing California law, to persuade state legislators to support a specific bill. *Civitas*, pages 600–602 (see Unit II, "Resources for the Sample Topic"), and *Understanding California State Government*, Chapter 5, may be used as guides for the development of student activities associated with lobbying and political interest groups. Students critique proposed plans.

Citizenship skills include the ability to think reflectively and, perhaps, skeptically regarding items published in the popular press and elsewhere. The validity of polls, for example, depends on the process used to gather data. Citizens must carefully consider a poll's purpose and potential sampling errors. After students study the handout "Civic Literacy: Thinking About Polls" (pages 157–158), they cite specific examples of polls from newspapers or broadcasts. What evidence was given in the report on the poll to support its reliability?

Civic Literacy: Thinking About Polls

The questions below are adapted from the booklet "Twenty Questions a Journalist Should Ask About Poll Results," by Dr. Sheldon R. Gawiser and G. Evans Witt. They are reprinted here by permission of Harry O'Neil, National Council on Public Polls, Room 1708, 205 East 42nd Street, New York, NY 10017, (212) 986-8262. Teachers interested in obtaining copies of the booklet (which contains more extensive information regarding each question) may contact the NCPP for purchasing information, including educational discounts and prices for bulk quantities.

How trustworthy are polls?

The answer is that they are about as trustworthy or as untrustworthy as pollsters want them to be. The National Council on Public Polls (NCPP) has developed a series of questions that journalists should ask pollsters before reporting poll results.

They are:

1. Who conducted the poll?
2. Who paid for the poll, and why was it done?

(Continued on next page)

Thinking About Polls (Continued)

3. How many people were interviewed for the survey?
4. How were those people chosen?
5. From what area (nation, state, or region) or from what group (such as teachers, lawyers, Republican or Democratic voters, religious groups, etc.) were these people chosen?
6. Are the results based on the answers of all the people interviewed?
7. Who should have been interviewed but were not?
8. When was the poll done?
9. How were the interviews conducted?
10. Is this a dial-in poll, a mail-in poll, or a subscriber-coupon poll?
11. What is the sampling error for the poll results?
12. What other kinds of mistakes can skew poll results?
13. What questions were asked?
14. In what order were the questions asked?
15. What other polls have been done on the topic? Do they say the same thing? If they are different, why are they different?
16. So the poll says the race is over. What now? (The point is, the poll may well be wrong.)
17. Was the poll part of a fund-raising effort?

All the right questions have been asked, and the answers sound good. The poll is correct, right? Not necessarily. The laws of chance say that the results of one poll out of 29 may be skewed away from the public's real views because of sampling errors.

With all these potential problems, should we ever publish poll results? Yes, says the NCPP, because "in spite of the difficulties, the public opinion survey, correctly conducted, is still the best objective measure of the state of the views of the public."

Is this poll worth reporting? If the poll was conducted correctly and you have been able to obtain the information outlined here, your news judgment and that of your editors should be applied to polls, as it is to every other element of a story.

Although the NCPP developed these questions as a service to journalists, how do such questions aid the reading, listening, and viewing public? What influence, if any, should polls have on determining how citizens vote regarding specific issues or candidates?

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During election years, or other times of increased poll taking, the class may select three disparate examples of published polls and write to the publications for background information. Students' questions may be based on those listed in "Civic Literacy: Thinking About Polls."

Resources

The following resources represent only a few of the many possible materials and sources that are available. Double asterisks (**) indicate works that are essential for full coverage of the unit; single asterisks (*) indicate works that are deemed important for successful coverage of the unit. For further selections, teachers should consult other bibliographies, such as *Literature for History–Social Science, Kindergarten Through Grade Eight* (Sacramento: California Department of Education, 1991).

Resources for the Sample Topic

County of Los Angeles. *Local Government: An Education That Works.* This packet of maps, booklets, brochures, and instructional materials shows what can be accomplished when county offices of education work with other county administration agencies. Although the lesson plans are specific to Los Angeles County, they could be revised to suit smaller counties as well. For purchasing information, contact Tom Gibbons, Los Angeles County Office of Education, at (310) 922-6331.

Our Town Meeting: A Lesson in Civic Responsibility. Tom Snyder Productions, 1987. This computer software program, available in Apple or IBM formats, is recommend by the producer for use in grades five through twelve. Students assume the roles of city planners and present proposals for community projects. The program includes 49 possible projects that may compete for the town's limited funds.

***Participating in Local Government: A Guide for Teaching Local Government* (Third edition). Sacramento, Calif.: Institute for Local Self-Government, 1994. This teachers' guide includes a primer of basic information about local government in California and three-week curriculum units appropriate for different grade levels. A highly recommended companion series, *Picture Yourself in Local Government,* is available as a set of classroom materials (teacher's binder, student texts, poster, and video). For purchasing information on both titles, contact the Institute at (916) 443-4136.

*Remy, Richard C. *United States Government: Democracy in Action.* Teacher's Wraparound Edition. Lake Forest, Ill.: Glencoe (Macmillan/McGraw-Hill School Publishing Co.), 1993. This high school textbook makes a noteworthy effort to present the subject in a lively and engaging manner. Case studies, opposing viewpoints, student participation activities, and primary source excerpts appear throughout. The teachers' edition outlines five alternative methods of presentation and essential themes in government. Remy's work is one of the more progressive government textbooks.

SimCity 2000. Maxis Software, 1993. Students in the roles of mayor and city planners make decisions regarding the design and management of a simulated city. The program offers students the option of either building their own city or assuming management of one of five established cities in crisis. The game offers excellent opportunities for students to gain insight into city management despite the science fiction option of a monster attack on the city. While this option may be an incentive for students to play the game, it distracts from the educational nature of the program. This software program is obtainable from social studies supply houses.

State and Local Government: AMERICAN CITIZENSHIP series. New York: Scholastic, 1989. This easy-reading manual is divided into three units that discuss general roles and functions of state and local government; law enforcement, the courts, and juvenile justice; and local responses to issues related to poverty, equity, and pollution.

***Understanding California State Government: A Guide for High School Teachers*. Hayward, Calif.: California Journal and California Council for the Social Studies (CCSS), 1992. This publication offers teachers a number of practical lessons that incorporate programs that involve students in the political process. One of the primary goals of the lessons is that students become accustomed to participation in the political process. The publication includes lesson plans and supplementary readings. For purchasing information, contact CCSS at (415) 692-4830.

General Resources

Block Grant: A Simulation of Lobbying and Decision Making. DAC Education Publications, 1990. This role-playing activity involves the entire class as local officials and lobbyists working to allocate federal funds in a community war on drugs. The simulation requires two or three class periods, as students encounter the pressures of the political process. The program is distributed through social studies supply houses.

California Government and Politics Annual. Edited by Thomas R. Hoeber and Charles M. Price. Sacramento: California Journal Press, various dates. This is an annual collection of articles reprinted from the *California Journal* on a variety of current issues. For copies, contact the Journal's office at 2101 K Street, Sacramento, CA 95816, (916) 444-2840.

The Center for Media Literacy, 1962 South Shenandoah Street, Los Angeles, CA 90034, (310) 559-2944; FAX (310) 559-9396. Media literacy is the ability to go beyond the surface of media messages

and images to analyze and reflect on their underlying assumptions and world views. Although this type of evaluative thinking is traditionally taught in relation to print materials (e.g., novels, editorials, essays), it is of vital importance in an age dominated by television, video, movies, radio, popular music, and advertising. The "image culture" requires more than mere consciousness of media techniques. The Center for Media and Values publishes a variety of instructional materials or workshop kits that assist teachers in developing students' media-analysis skills. A few titles available are:

Selling Addiction, designed to help teens perceive the myths behind cigarette and alcohol advertising

News for the 90s, focuses on understanding the motives and limitations of radio and television news broadcasts

Living in the Image Culture, intended as a primer on how mass media influence our ideas, our values, and our uses of time and money

Citizenship in a Media Age: Building the Common Good, which helps students develop a "tool kit" for becoming active citizens through media

Kits come with a leader's guide, handout masters, and instructions. In addition to kits, the Center issues a quarterly magazine, *Media & Values*. Library and single subscriptions are available, and the Center's publications catalog is detailed and helpful.

Constitution of the United States of America and the Constitution of the State of California. Sacramento: California Office of State Printing, 1987. The text includes the California Constitution as amended through 1986. The publication has a helpful index to the state constitution. For class sets, orders should be made on school letterhead stationery and addressed to the Legislative Bill Room, State Capitol, Room B32, Sacramento, CA 95814.

Environment. *DECISIONS, DECISIONS* series. Tom Snyder Productions. Computer simulation. Copyright 1991. In this simulation, students assume the role of the mayor of a small town faced with an environmental crisis. Students must make decisions that involve land use, endangered species, and other environmental issues. The simulation may be used with the entire class or by multiple groups of students. See also another Snyder computer simulation, *DECISIONS, DECISIONS: Urbanization* (1991), in which students must make policy decisions regarding growth management in a small town. For purchasing information, telephone (800) 342-0236.

**How Federal Is the Constitution?* Edited by Robert A. Goldwin and William Schambra. Waldorf, Md.: The AEI (American Enterprise Institute) Press, 1992. Does the Constitution establish a consolidated national government, a federation of sovereign states, or, as James Madison suggested, "a compound of both"? This question, a central issue at the time of the founding, continues to generate debate today, as evidenced in these essays by Edward C. Banfield, Harvard University; William Jeffrey, Jr., University of Cincinnati Law School; Daniel J. Elazar, Temple University; David M. Kennedy, Stanford University; Jean Yarbrough, Loyola University; Samual H. Beer, Harvard University; and Gary L. McDowell, U.S. Department of Justice. This paperback book is part of the American Enterprise Institute series *A Decade of Study of the Constitution* and is suggested for teachers or serious students. For purchasing information, contact the publisher at P.O. Box 753, Waldorf, MD 20604, (800) 269-6267.

Interpreting Tocqueville's Democracy in America. Edited by Ken Masugi. Savage, Md.: Rowman and Littlefield, 1991. Frequently quoted, *Democracy in America* is little read by Americans today. Nevertheless, it remains a vital, standard work. In this collection, 18 distinguished scholars probe *Democracy in America*'s application to the modern world from the perspective of political theory. Race, women's liberation, capitalism, bureaucracy, individualism, religion, and alienation are among the subjects considered. The book does not seek to cover every facet of Tocqueville's analysis of America but rather to bring out significant themes, especially those of interest to political theorists, which otherwise have not been fully appreciated. In one essay, Tocqueville's method of analysis is applied to contemporary Asia. The contributors treat Tocqueville as a serious political philosopher, though they disagree on whether theory or practice was his ultimate objective. This book deserves serious study by teachers of civics and United States history. For purchasing information, contact the publisher at 8507 Bollman Place, Savage, MD 20763. See also the listing for Tocqueville later in this resource section.

The LegiSchool Project. An educational collaboration between California State University and the California legislature, Sacramento, California. The LegiSchool Project develops an issues-oriented civics curriculum for high school teachers and students. Drawing from the legislature's videotape archives, a team of classroom teachers, educators, students, and legislative staff oversees the production of a videotape library and curriculum materials for the classroom teacher. Each tape contains footage of the hearings, testimony, and floor debates associated with particular bills debated in the legislature. As this document goes to press, six videotapes capture the legislative process on the issues of gang involvement, bicycle and motorcycle helmets, smoking on campus, Channel 1 television, and student clothing. In addition, a listing of unedited videotapes pertaining to other issues and debates may be obtained from the California State Assembly and Senate offices. Future plans include a bimonthly, electronic "town hall" connecting ten high schools throughout the state. For information regarding the edited videotapes or the town hall, contact Dr. Ken Futernick, Department of Teacher Education, California State University, Sacramento, (916) 278-6155. For information about the unedited Assembly videotapes, contact Doug Stone, California Assembly Office, (916) 323-4164; for unedited Senate videotapes, contact Kathleen Humphrey, California Senate Office, (916) 445-4913.

Lockard, Duane. *The Politics of State and Local Government*. New York: Macmillan Publishing, 1983. This is a general textbook on state and local government. Chapter 3, an analysis of political participation, is highly recommended.

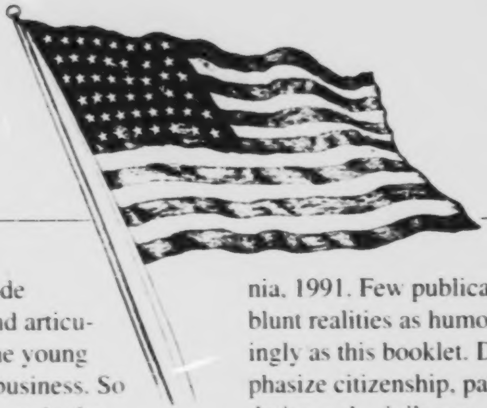
*Machan, Tibor R. *Private Rights, Public Illusions*. New Brunswick, N.J.: Transaction Publishers (Rutgers—The State University), 1994. When members of the media address politicians or report on social problems, they assume that whatever issues are important in society *must* be a matter of public or state concern. Yet, the state or government is but a small part of any human society. Machan asserts that while the exact nature of government is complicated, only a totalitarian government aims to assume responsibility for every possible concern of its citizenry. Machan believes that the concept *public* is too broadly used to refer to any problem that vocal citizens want government to address. Because he sees the public realm as smaller than it is generally perceived, he argues that if government continues to intervene in affairs outside this public realm, then restriction on individual liberties will become an obstacle to society's important progress. The book's critique of governmental intervention will be interesting to future policy makers and political scientists. It is recommended for reading by teachers.

Rainbow Bay. San Diego, Calif.: Interact, 1991. This simulation focuses on environmental and political issues that affect local government. The simulation is designed to involve the entire class and runs for 12 class periods. Review the simulation to determine how the time schedule might be adapted to a one-semester course in principles of American democracy.

State Government: Congressional Quarterly Guide to Current Issues and Activities, 1991-92. Edited by Thad L. Beyle. Washington, D.C.: Congressional Quarterly Press, 1991. This is an assessment of recent developments affecting the 50 state governments. Articles address issues related to state legislatures, waste disposal, taxation, and timely issues such as auto insurance reform.

Students' Rights and Responsibilities Handbook. Sacramento: California Department of Education, 1986. This booklet briefly describes the laws and regulations that apply to California's school system. Topics include fundamental rights and responsibilities, student behavior, educational opportunities, law enforcement agencies and the school, and other facets of pertinent law. For ordering information, telephone (800) 995-0823.

**Tocqueville, Alexis de. *Democracy in America*. Various editions and dates.



During the 1820s, Alexis de Tocqueville, an erudite and articulate Frenchman, visited the young United States on official business. So taken was he by what he saw in the country's people and political habits, he wrote what has become one of the classic texts on life in a democratic society. Every teacher of U.S. history and government should study this work. Passages can be excellent material for student reading and may be used in conjunction with (or in place of) a textbook. Vintage Classics (Random House) publishes the work in two paperback volumes, the Phillips Bradley edition, which has been well received by both scholars and the public in general. These volumes are larger than pocket-sized paperbacks, and the type and layout are easy on the eye. Along with the *Federalist Papers* and other classic works, *Democracy in America* is indispensable for eleventh and twelfth grade teachers.

Walters, Dan. *The New California—Facing the Twenty-first Century*. Sacramento: California Journal Press, 1990. Originally printed in the *Sacramento Bee*, the articles in this collection discuss aspects of California government and their political implications in the future. Walters, a political correspondent for the newspaper, presents an analysis of the future of the state. Interested teachers and librarians may contact the California Journal Press at (916) 444-2840 for purchasing information.

***When You Become Eighteen*. San Francisco, Calif.: California Law Advocates, Foundation of the State Bar of California, 1991. Few publications present blunt realities as humorously and invitingly as this booklet. Designed to emphasize citizenship, participation, and duties and privileges under law, this resource is a helpful "wake-up call" on a variety of issues related to jury duty, voting, transportation, marriage, divorce and abuse, housing, contracts, torts, banking, credit, consumer protection, alcohol and other substances, guns, recreation, criminal charges, federal crimes, employment, and military service. This publication is an excellent resource for students who long to assume adult responsibilities but do not want to wade through copious theories or details. Copies are available from the publisher at 555 Franklin Street, San Francisco, CA 94102.

***Your Basic Government Manual*. Santa Barbara, Calif.: Primary Publications, 1991. Unusual and practical for both students and adults, this handy booklet outlines the basic goals and principles of government; the structure and function of local, state, and federal governments; the responsibilities of government officials; the process by which a bill becomes law; voting and elections; and ways to contact government officials. Readers, both students and adults, may be surprised to discover how stimulating and comprehensive this quick-reference pamphlet can be. Single copies or class sets are obtainable from the publisher, 32 West Anapamu St., Suite 301, Santa Barbara, CA 93101, (805) 899-4273. A Spanish-language version is also available.

Resources on the Election Process

After the People Vote: A Guide to the Electoral College. Revised and enlarged edition. Edited by Walter Berns. Waldorf, Md.: AEI (American Enterprise Institute) Press, 1992. What if no presidential candidate gets an electoral college majority? Or a presidential candidate dies before the November election? Or after the November election but before the electoral votes are cast? Or after the electoral votes are cast but before they are counted? Or before the winning candidate assumes office? Questions like these have puzzled even constitutional scholars. This guide explains the workings of the electoral college; the process of presidential succession; and the interactions of the Constitution, federal and state statutes, and party and parliamentary rules. In addition to contributions by the distinguished constitutional scholar Walter Berns, this edition includes an essay on disputed elections, by Norman Ornstein, and an essay on the electoral college, by Martin Diamond. Other distinguished scholars also contributed essays. For ordering information, telephone (800) 269-6267.

Barber, James David. *The Pulse of Politics: Electing a President in the Media Age.* New York: W. W. Norton, 1980. Barber examines the use of the media in presidential campaigns, from staged media events to TV spot commercials. The author asserts that the media, rather than political parties, determine the central themes of modern presidential campaigns.

Before Nomination: Our Primary Problems. Edited by George Grassmuck. Washington, D.C.: American Enterprise Institute for Public Policy Research, 1985. This collection of articles by leading political scientists on the presidential nominating process was sponsored by the nonpartisan Gerald R. Ford Foundation. For ordering information, telephone (800) 269-6267.

The Candidate. Videocassette (111 minutes). Warner Brothers. Robert Redford stars as a reluctant candidate in an uphill race for the Senate. The film vividly shows the marketing of the candidate during the campaign. Excerpts provide opportunities to discuss issues related to the running and financing of a campaign. The film includes vulgar language, so teachers should preview it beforehand. The film is available through video rental companies, or it may be purchased from social studies supply houses.

The '88 Vote: Campaign for the White House. New York: ABC News InterActive Videodisk, 1991. (Videodisk player, hard disk, HyperCard 1.2.2, or later, required). This interactive videodisk program is a complete documentary of the 1988 presidential campaign. Students may develop their own presentations using materials and applications included in the program. It is available from social studies supply houses.

Elections: A Simulation of the Electoral College Process. San Diego, Calif.:

Interact, 1991. In this simulation, which requires three to five days, students make decisions regarding how to organize and run a campaign to maximize their candidates' chances to win key states. The debriefing session involves students in an appraisal of the electoral college system. It is available from social studies supply houses.

First Vote. Washington, D.C.: People for the American Way, Videocassette (12 minutes). This program's focus is the responsibility of voting among young adults. The program features street interviews and teens' opinions.

Hess, Stephen. *The Presidential Campaign*. Washington, D.C.: The Brookings Institution, 1988. Hess discusses issues such as the financing of campaigns, election fraud, exclusion of minorities, and the need for changing the method of nominating presidential candidates. Contact the Institution at (800) 275-1447 to order this program.

Meltzer, Milton. *American Politics: How It Really Works*. New York: Morrow Junior Books, 1989. This is an easy-reading primer on American political process. In a clear and forthright style, the text offers insights into a number of subjects, such as the media, lobbyists, and campaign financing.

On the Campaign Trail. DECISIONS, DECISIONS series. Computer simulation. Los Angeles: Tom Snyder Productions, 1991. This program simulates a political campaign and forces students to take a stand on issues of domestic and foreign policy and face the consequences of their decisions. Students assume the role of a third-party candidate during a presidential campaign. The teacher may elect to divide the class into six teams or have the class as a whole play the simulation.

Points of View: Readings in American Government and Politics. Edited by Robert E. DiClerico and Allan S. Hammock. New York: Random House, 1986. A good source book for challenging students to think about issues related to government and politics. Robert Weissberg's "In Defense of the Electoral College" and Lawrence Longley's "The Case Against the Electoral College" are recommended as starting points for discussion on the electoral college system.

Rogers, Helen P. *The Election Process: A Grassroots Call for Reform*. Carmel, Calif.: Wellington Publications, 1988. The author uses the 1988 election as the focal point for a discussion of issues related to campaign reforms. Rogers provides a study of presidential hopefuls, examines the role of the media in campaigns, and analyzes pressure groups.

Your Vote. Videocassette (27 minutes). New York: The Taft Institute of Government, 1991. An accompanying study guide to this attractive video program strongly supports teachers' emphasis on voter registration. Activities and discussion questions dovetail with the video's focus on concepts, patterns of involvement, and voting processes. Zany narration is provided by the late Frank Zappa.

The motto "Your vote: Make it an informed one" links well with the purposes of this unit. For purchasing information contact the publisher at 420 Lexington Avenue, New York, NY 10170, (212) 682-1530.

Organizations as Resources

American Bar Association (ABA), Youth Education for Leadership, 750 North Lake Shore Drive, Chicago, IL 60611, (312) 988-5735. This organization produces resource materials for law-related education—periodicals, videotapes, books, instructional materials for teaching the Constitution and Bill of Rights, handbooks on partnerships between the bar and schools. Other resources include a Resource Center, the *LRE Report* newsletter, and a periodical digest of recent court decisions entitled *Update on the Courts*. Conferences on law-related education are another avenue of endeavor. The ABA also sponsors a Commission on Public Understanding About the Law, which issues additional resource material. Contact the Commission at 541 No. Fairbanks Court, Chicago, IL 60611-3314, (312) 988-5742.

California Council for the Social Studies (CCSS), 1255 Vista Grande, Millbrae, CA 94030. Phone (415) 692-4830. CCSS provides teachers' resources such as the publication *Understanding California State Government*, issued jointly with the *California Journal*. An annual conference is the centerpiece for the organization's activities.

California School Boards Association, P.O. Box 1660, West Sacramento, CA 95691, (916) 371-4691. Founded in 1933, this organization represents more than 5,000 locally elected school board members throughout the state. In addition to legal advocacy, the association maintains a series of publications and periodicals focusing on school governance issues.

California State Association of Counties (CSAC), 1100 K Street, Suite 101, Sacramento, CA 95814, (916) 327-7500. The CSAC represents county government before the California Legislature, administrative agencies, and the federal government. CSAC also educates the public about the value and need for county programs and services. The organization publishes a number of periodicals, directories, newsletters, and books—all dealing with issues of interest to county officials: *Legislative Bulletin*, which offers current information on key legislation affecting counties; *Leadership Letter*, published biweekly for all county supervisors and county administrative officers; *California County Fact Book*, which contains the most recent and comprehensive data on all 58 counties; *Desk Roster*, a complete address and phone listing of county officials; and *California County*, a bimonthly magazine that highlights innovative county programs, issues, and state legislation important to all counties. For subscription information regarding the magazine, contact GMW Communications, Inc., Circulation Department, 9719 Lincoln Village Drive, Suite 500, Sacramento, CA 95827 (916) 363-5000.

Capitol Focus Foundation, 1220 H Street, No. 102, Sacramento, CA 95814, (916) 443-2229. This nonprofit organization sponsors nonpartisan political awareness programs for California youth. The calendar of events includes an array of conferences, training sessions, simulated hearings, and team activities for students. Enrollment and participation information is available upon request.

Center for Civic Education, 5146 Douglas Fir Road, Calabasas, CA 91302, (818) 591-9321. A distinguished array of publications is produced by the Center. Helpful instructional resources for teachers and students include the *We the People* series, the *Law in a Free Society* series, the *Exercises in Participation* series (e.g., *Drugs in the Schools: Preventing Substance Abuse*), and *Civitas*, an encyclopedic reference for curriculum development and teachers' background reading. A colorful brochure is available on request.

Citizenship and Law-Related Education Center, 9738 Lincoln Village Drive, Sacramento, CA 95827, (916) 228-2322. The CLRE Center's major activities include producing civic and law-related education materials; conducting student activities and youth service programs; coordinating community resources for the classroom; and training students, educators, parents, and volunteers. A student handbook and *Picture Yourself in Local Government*, a teachers' resource, are among available publications.

Close-Up Foundation, 1235 Jefferson Davis Highway, Arlington, VA 22202, (703) 892-5400. In addition to sponsoring state programs for student involvement, the Foundation issues a catalog of publications for secondary history–social science classes. Books and videotapes on democracy, rights, citizenship, the American economy, international relations, and other topics are also available. An informative newsletter, *The Chronicle*, spotlights Foundation activities.

Constitutional Rights Foundation (CRF), 601 South Kingsley Drive, Los Angeles, CA 90005, (213) 487-5590. CRF programs and materials are designed to encourage social responsibility and civic participation in students. The *School Youth Service Network* supplies free "starter kits" to interested teachers. A free quarterly, *Bill of Rights in Action*, contains reproducible lessons. An attractive catalogue of publications highlights simulation activities and kits for producing mock trials as well as instructional materials on U.S. history, government, world history, and social issues. Some materials are available for lower-level readers as well.

Institute for Local Self Government, 1400 K Street, Suite 400, Sacramento, CA 95814, (916) 443-4136. The Institute is eager to assist teachers and curriculum specialists in identifying resource materials, activities, and lesson plans on California local government. The Institute also maintains a network of appropriate resources for students and teachers. The materials in Appendixes IV-1 through IV-6 were developed by the Institute.

International City Management Association (ICMA), 777 North Capitol Street, NE, Suite 500, Washington, DC 20002-4201, (202) 289-4262. One major focus of this association is to help city and county managers and other municipal administrators in their professional roles. The organization provides leaders with facts and advises them on matters of policy. The *ICMA Newsletter* and *PM Magazine* are among its publications, and an annual conference highlights current issues. ICMA also provides employment and recruitment information.

League of California Cities, 1400 K Street, Sacramento, CA 95814, (916) 444-5790. *Western City* is the monthly journal of this well-known organization. Topics of articles include city economics, business regulation, traffic problems, airport land issues, and job opportunities Through the magazine, other publications, and videotapes students can gain an overview of the types of problems cities face and how they work to solve them. The League is a good example of cities' exchanging information and combining resources.

League of Women Voters, 1730 M Street, NW, Washington, DC 20036, (202) 429-2965. California branch: 926 J Street, Suite 1000, Sacramento, CA 95814, (916) 442-7215. The League encourages the active and informed participation of citizens in government and works to increase understanding of major policy issues. A detailed catalogue of publications is available. Sample titles include "How to Watch a Debate," "Who Will Elect a President?" "Know Your Community," "Know Your County," "Thinking Globally, Acting Locally," "Voter's Handbook," "Voter's Guide to Judicial Elections," "Courts, Judges, and Voters," and "Safety on Tap: A Citizen's Drinking Water Guide."

National Institute for Citizen Education in the Law (NICEL), 711 G Street, SE, Washington, DC 20016, (202) 546-6644. NICEL's mission is to promote opportunities for citizens to learn about the law and the legal system. Its services include curriculum development and teacher training. It also makes available a number of publications, such as "Great Trials in American History: Civil War to the Present," "Excel in Civics: Lessons in Citizenship," mock trial manuals, and student guides to practical law. A number of the publications focus on juvenile justice, street law, and consumer law. A brochure and materials list detail available resources.

National Council for the Social Studies (NCSS), 3501 Newark Street, NW, Washington, DC 20016, (202) 966-7840. NCSS provides teacher resources and publications related to government, history, and social studies. A publications brochure is available.

Phi Alpha Delta Public Service Center, 1511 K Street, NW, Suite 611, Washington, DC, 20005, (202) 638-2898. This nonprofit, international law fraternity of 120,000 members works in law-related education with national, state, and local programs and has prepared drug manuals for each state. The Center provides resource personnel to work with teachers in law-related education topics at all levels. Monthly lesson plans and other instructional materials are available.

Secretary of State's Office, Elections Division, 1230 J Street, Room 232, Sacramento, CA 95814, (916) 445-0820. The Secretary's office produces several attractive resources for schools. The book *You've Got the Power: A Book of Ideas* suggests many ways in which schools can encourage voter registration. The 20-minute videocassette *First Tuesday* is set in the year 2028 and shows teen rebels trying to bring back voting and elections; its futurism is reminiscent of *Flash Gordon*. In progress is another videotape, *First Vote*, intended to motivate students to vote. These three resources are available free of charge. The office also has established telephone lines that any eighteen-year-old can call to request a voter registration form: (800) 345-VOTE (English-language message) and 800-232-VOTA (Spanish-language message).

State Bar of California, 555 Franklin Street, San Francisco, CA 94102, (415) 561-8230. This organization represents all active attorneys in the state whose stated mission is to preserve and improve our justice system in order to ensure a free and just society under law. Their *CONSUMER INFORMATION PAMPHLET* series consists of 15 booklets, each on legal issues and problems. Several pamphlets are available in Chinese and Spanish. The Teacher-Training Model, currently being developed, will feature lawyers as instructors for classroom activities involving civil liberties and other law-related topics. Teachers may write the Bar for information regarding its public education programs and materials.

Additional Resource Materials

A number of local governments in California have developed curricula and programs specific to their own communities. Teachers may contact local city offices to determine whether similar materials are available. The following community-based resources are available on loan from the Institute for Local Self Government (see "Organizations as Resources").

Alhambra	SPEAK
Campbell	Campbell: Your City
Coachella	Planning Commission School Program (English and Spanish)
Cupertino	SWING
La Palma	Youth in Government
Long Beach	Youth Community Service Program
Santa Clarita	Youth in Government
San Diego	Youth Vote '92
San Mateo	Local Decisions

Appendix IV-1

Levels of Government: Government Walking Trip

Directions: We are going to take a walking field trip in the immediate area during this class period. You are to identify the various government activities, locations, vehicles, symbols and the like according to the level of government they represent. The levels are: Federal (Fed), State (St), County (Co), City (Cty) and Special District (SD). Fill in as much of the chart as possible on the trip.

Activity	Level	Activity	Level

Bonus: Did you see any private activity that should be governmental, or governmental activity that should be privately operated? What is it, and why?

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Not in My Backyard

◂176

Directions: Many land-use questions result in disputes and differences among neighbors as to which uses are proper and which may be harmful or detrimental to the neighborhood. Consider the following proposals and respond, playing the role of a *homeowner* on the block of the proposed use. Do you agree or disagree that these uses are appropriate in the neighborhood? Why?

Proposed Use	Agree or Disagree?	Reasons for Your Position
A Church or Synagogue		
Single-Family Residence		
Home for Retarded Adults (six maximum)		
Pre-School Center (12 children ages 5–6)		
Horse Stable		
Duplex (two-unit building)		
Drug Rehabilitation Center (10 maximum)		
Elderly-Care Facility (10 maximum)		
Playground/ Tot-Lot Area		
Prison		

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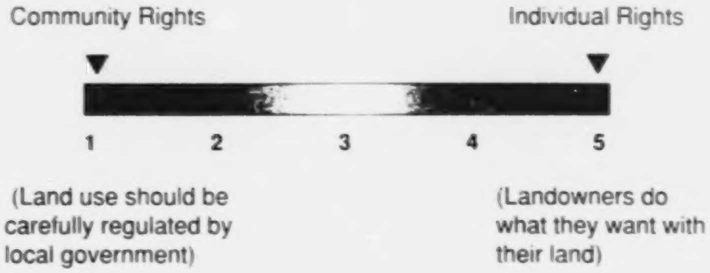
Appendix IV-3

Land Regulation Spectrum

Although there are some people who believe that anyone should be able to do whatever he or she wants to do with his or her land (property rights), most people, and most city governments, think that there should be certain controls over the use of land.

These two attitudes can be illustrated on a spectrum like this:


Community Rights
Individual Rights
1
2
3
4
5
(Land use should be carefully regulated by local government)
(Landowners do what they want with their land)

The more you believe land use decisions are up to the owner, the more you will be located to the right of the spectrum. The more you believe that land use should be regulated by governmental agencies, the more you will be located to the left of the spectrum.

Spectrum Options

The five statements on the next page roughly represent the five points marked on the spectrum line. One way to summarize class discussion conflicts is to ask students to place themselves on the spectrum by selecting the statement closest to their personal views.

You might create a class spectrum at the beginning of the unit and then create a class spectrum at the end to measure the change in student attitude.

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1. Community rights must always overrule the rights of individual property owners. If a city wants to expand a road for traffic, then it must have the right to take land from a property owner for a just price. If a community values a residential atmosphere, it must have the right to limit the height of buildings. If the community has a need for access to the ocean for recreation, it must have the right to enforce access rights on private property.

2. Whenever there is a basic conflict between the rights of the community and rights of individual property owners, the rights of the community should dominate—but every effort must be made to limit the restrictions on private ownership.

3. The rights of the community and those of individual property owners must be carefully balanced. It may be proper in unusual situations to limit the freedoms of some property owners in order to serve the compelling needs of the majority of citizens.

4. The rights of property owners should be protected at all costs. Government restrictions should only be imposed when it is necessary to help property owners enjoy their property fully.

5. Property rights are part of what makes this country free. A property owner should have the absolute freedom to do whatever he or she wants to do with his or her property. The government has no right to restrict, limit, or condemn private property.

Appendix IV-4

Site Selection for New High School

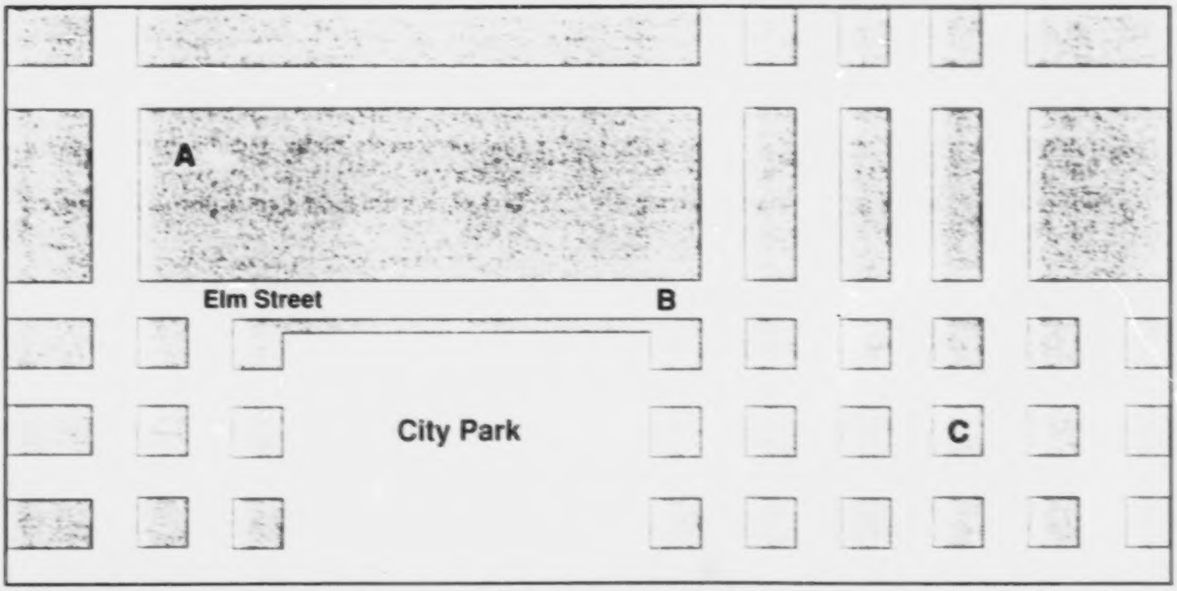
Directions: The School District in the City of Caltopia, due to an increase in the number of students, realizes that it must build a new high school. It owns three sites in the city, and must choose among them. When the decision is made, the School District will apply for the appropriate permits from the City of Caltopia. Consider the three locations, consult the map, and respond to the questions which follow.

Site A: This location has the largest land area, and is located in a sparsely populated area of Caltopia. The closest bus stop is four blocks away from the area, which is populated by wealthier private homes. This location is two miles from the center of town, where much of the new student increases are occurring.

Site B: This site is in the center of town, in primarily a commercial business section. It is central to the bus routes, which converge from all areas of the City. It is a relatively small site, with limited parking, but there are many on-street spaces available. It is close to the municipal park, and the City would allow the students to use the park for Physical Education classes and athletics. This site is near the areas of greatest new student population.

Site C: This is the second-largest site, and could accommodate some off-street parking and small playing field area. Many retired people live in this older residential area, but, because home prices are lower, many younger families are moving into the area. It, like site B, is close to transportation and the municipal park.

Additional Note: The two sites not chosen would be sold by the School District, with the proceeds from the sales being used to help finance the new school.



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Appendix IV-5

High School Site-Selection Worksheet

Suggested Procedures: Divide the class into three groups of eight students each. In each group, two students argue for one site, two against the second site, and two against the third site. The last two students would develop responses to arguments brought against the group's proposed location. A fourth group would hear the discussion and vote on the proper site. Suggested arguments for each site include:

	Pros	Cons
Site A	• Largest site • Least congested area of city • Bus routes could be easily changed • One-story buildings could be constructed at lesser costs • Both B and C have value (particularly site C, which is in a commercial zone) • All parking would be on-site	• Most students would have to come great distances, thereby increasing traffic • Might be costly to extend city services (power, sewer lines, traffic signals, etc.) • Might increase city costs for additional bus service to area • School cannot combine with municipal park for added facilities • Farthest site from vicinity of greatest student increase
Site B	• Municipal park is close for recreational activities • Bus service is already established • In vicinity of area of greatest student increase • Businesses could benefit from increase in number of people in area • Would require no extension of city services • Central location in community • Construction might help upgrade area	• Relatively small site • Construction costs higher if buildings are more than one story • Lack of on-street parking could discourage shoppers in area • Congested area and busy thoroughfare could be dangerous • Site could be more valuable if sold, due to commercial zoning • While park is close, students would need supervision while there • Some business owners do not like teens located in immediate vicinity

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Pros	Cons
Site C	
• Development here means two most valuable sites could be sold to finance construction • Close to area of greatest student increase • Near park • Transportation and other city services are already in place • New construction could help rejuvenate this older area of the city	• Area already crowded, this could increase congestion • Older residents could have difficulty with many teens in area • On-street parking could be a problem, as older residential areas often have narrower streets and small garages, leading to street congestion and sight problems • Students must walk through area to municipal park • Construction costs higher • New construction could be out of place in older area • Younger families moving into area would have more elementary-school-aged children than teenagers

Appendix IV-6a

Caltopia: Student Directions

Caltopia is a mythical community of 50,000 persons. You are to role-play the new community's City Planner and should give a zoning designation to each of the parcels shown on the map. For purposes of this exercise, you may not change any of the parcels, each of which is given a letter. Also, for purposes of this exercise, you may use only one zone for each parcel on the map (no mixed zoning).

There are six zone designations you will use (each one several times, most likely) to plan each of the more than 20 parcels. The zones are:

R-1—Single family residential
R-2—Duplex residential area
R-3—Multiple family (apartments) residential
C-1—Commercial (shopping/office buildings/etc.) area
M-1—Industrial area (plants/warehouses/etc.)
O-S—Open space (parks/greenbelts/passive open areas)

You should provide housing for 50,000 persons (show numbers on map) among the three residential zones. Keep in mind the dimensions of the City (12 mi. by 8 mi. = 96 sq. mi.) in determining your residential areas.

In addition, you should locate in the various zoned parcels the following elements to enhance your city:

ES—Three elementary schools (Name each)
HS—Two high schools (Name each)
CH—City hall/Municipal government complex
SP—Sewage plant (Waste water treatment facility)
CD—City dump area for City's solid waste output
PH—Your own personal residence
PW—Personal work location
PS—Personal shopping area

Remember that these designations are not zones, but must be in parcels which have been zoned by you previously. Let your imagination take hold, and plan the City in any way that makes sense. Keep in mind the following:

- On a sheet attached to the map, you should give the reasons for each zoning designation
- The City should be planned so that the City will be a desirable place in which to live
- You will be able to compare your design of Caltopia with that of professional planners who have already completed this exercise.
- Lastly, relax and enjoy the experience.

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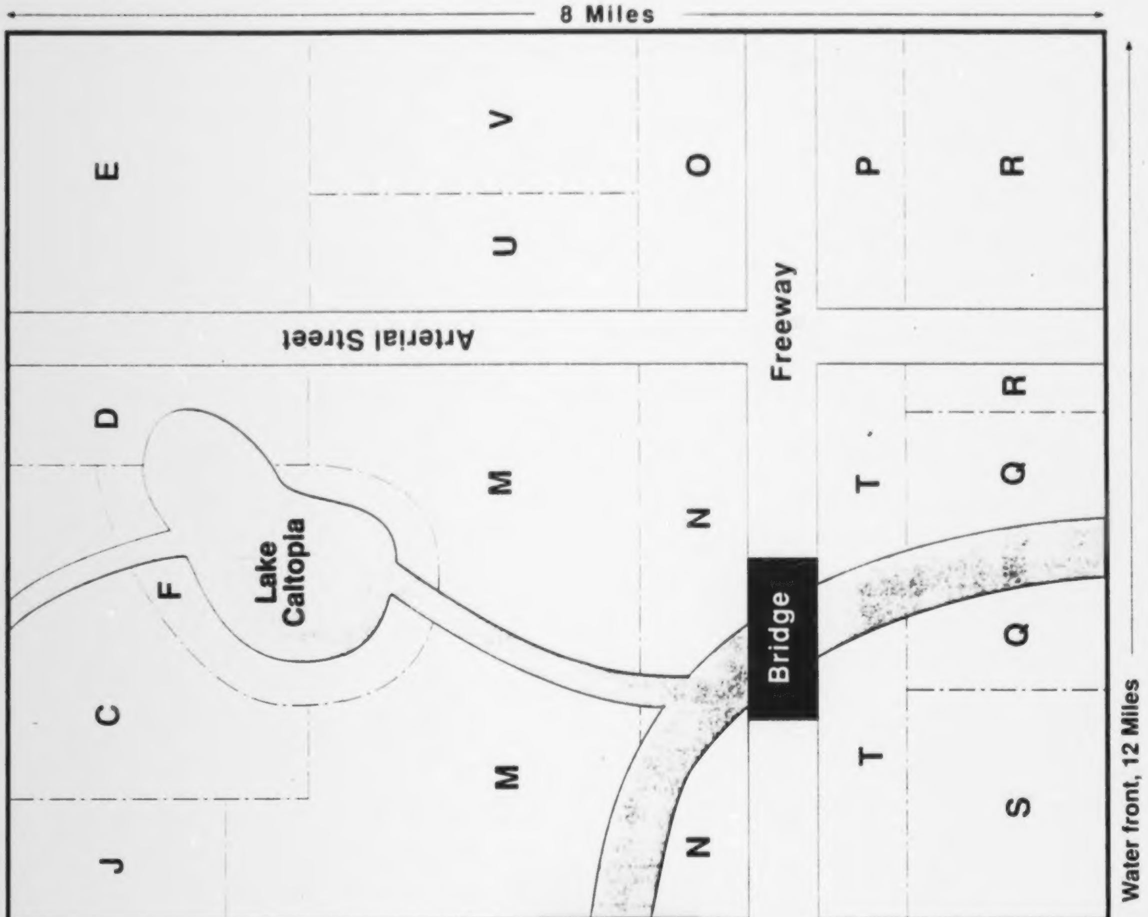
Caltopia Planning Area


8 Miles
Water front, 12 Miles
Caltopia Peak
A
000 ft
Caltopia River
Lake Caltopia
Main Street
Arterial Street
Freeway
Freeway
Bridge
Bridge
A
B
B
C
D
E
F
G
G
H
I
J
J
J
J
K
L
L
M
M
N
N
O
P
Q
Q
R
R
S
T
T
U
V
W

Appendix IV-6b

Caltopia Planning Area Student Worksheet

Directions: Indicate the zone used for each planning area on the map and the reason you designated that zone for that area. *One* zone only for each planning area.

Planning area	*Zoning applied*	*Reasons for that zoning being applied to area*
A		
B		
C		
D		
E		
F		
G		
H		
I		
J		
K		
L		
M		
N		
O		
P		
Q		
R		
S		
T		
U		
V		
W		

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Appendix IV-6c

Professional Planner's View of the City of Caltopia

Following is the design of Caltopia by a professional planner. This may be used to debrief your students' versions and is an example of one way the city could be planned, but only one example. If your students give rationales for their designs, their grades should reflect their effort.

Area	Zoning	Reasons for zoning
A	O-S	Important visual ingredient of city, should be kept open-space, for passive hiking and the like. Much too difficult and dangerous for construction.
B	O-S	Foothills area used for greenlands and parks; also uses river running through for additional aesthetics. Could be used for R-1 if housing pressures were extreme in city.
C	R-1	Higher-income, single-family area with river through community and close to Lake Caltopia and parkland area F for access by residents.
D	C-1	Area shopping center and perhaps office buildings and hotels area, using proximity to the lake as focus of section. Provide employment opportunity for residential areas close by, and perhaps reduce the need for long commutes.
E	R-1	Somewhat secluded area of probably upper-income residential units. Close to shopping and roads.
F	O-S	Linear park around Lake Caltopia. Jogging paths, viewing area, fishing piers, sailboard, paddle boat launching area, swimming beaches. City Hall complex could have been located here, overlooking lake.
G	M-1	This is the major industrial section of the city, close to water and freeway access. Presence of freeway with noise and air pollution makes the placement of residential units here undesirable. Area G above the freeway should be restricted to warehousing because of its closeness to Area I and its homes.

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Area	Zoning	Reasons for zoning
H	O-S	Possible site for a golf course or other developed recreational use to service the residential areas nearby.
I	R-1	Large single-family residential section of the city, near to the downtown shopping areas, high school, City Hall complex, and major transportation corridor.
J	R-3	Large apartment complex zone, divided by major street, some open space and relatively close to Lake Caltopia.
K	C-1	Downtown shopping area and City Hall complex. This is the identifiable center of Caltopia.
L	R-2	Duplex (two-unit buildings) area of downtown. Caters to young families among a variety of residents who rent. Walking distance to downtown, schools, and public transportation. Recreational area along with river would be available; small crossing bridges in this area are available but not shown on map.
M	R-1	Largest single-family residential area in city. Central location and nearby to most amenities of the community.
N	C-1	Commercial business section along freeway. Office buildings and specialty businesses could be located here. Heavy traffic area for businesses could generate many customers.
O	O-S	Developed recreational area for use of residents. Ball fields, soccer fields, tennis courts with a buffer zone of open space immediately near the freeway.
P	O-S	Primarily a buffer zone off freeway to protect area of waterfront condominiums of section R. Future use could be commercial if city needs additional tax revenues from sales or increased property values.
Q	M-1	An industrial park for upscale clients such as high-technology firms. Beautiful location should make this a very desirable location for firms to locate their headquarters.
R	R-3	Waterfront condominium or apartment complex. Somewhat remote but should be an attractive residential area, with water and a new industrial park flanking the project.
S	O-S	Site for the City's marina which would also include related services for boating activities and other recreational functions. Takes advantage of locale near to waterfront, freeway, and main street. This would probably draw people from other nearby communities, so nearness to transportation is a bonus.
T	M-1	Extension of industrial parks, or warehousing area leading to park. Not quite as desirable due to its near proximity to freeway. Could accommodate some hotel use.

Area	Zoning	Reasons for zoning
U	R-3	Apartment complex near large cross-town street which would accommodate moderate-income residents. Near to transportation, recreation and commercial sections.
V	R-2	Duplex area with many of the same characteristics as section U—moderate-income housing.
W	C-1	Caltopia Mall would be located here. This would be a regional mall serving not only local residents, but those from surrounding areas. Convenient location.

Sewage Treatment Plant	Located in corner of G so that processed waste water can be discharged into the large body of water nearby. This would be minimum secondary treatment plant.
High Schools	One located in Section M, close to road and Section U to provide for residents in eastern section of City. Other high school in Section L to provide for students in the western section of the community.
City Dump	Western section of area G but away from the water to avoid possible pollution. This might only be a transfer station for garbage, which might then be shipped to regional facility, which is generally more common. Landfill areas for handling garbage are high priorities for city officials, and recycling questions can be addressed with students at this point.
Elementary Schools	In Areas I, U, J, C. Schools should take advantage of any park or recreational areas, to increase their space. The population of this community, unless older, would probably require several other elementary schools.
City Hall	Located in Section K, the downtown area of Caltopia. This complex would include many of the city government buildings, libraries and the like.
Parks	A small linear park could be established along both sides of Caltopia River as it flows through the City. This could be a bicycle or walking path and viewing area.

Appendix IV-7

Readings for a Civil Society

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As the following excerpts illustrate, the challenges to democracy that Tocqueville observed in America of the nineteenth century are still to be grappled with 260 years later.

> There is, indeed, a most dangerous passage in the history of democratic people. When the taste for physical gratification among them has grown more rapidly than their education and their experience of free institutions, the time will come when men are carried away and lose all self-restraint at the sight of the new possessions they are about to obtain. In their intense and exclusive anxiety to make a fortune they lose sight of the close connection that exists between the private fortune of each and the prosperity of all. It is not necessary to do violence to such a people in order to strip them of the rights they enjoy; they themselves willingly loosen their hold. The discharge of political duties appears to them to be a troublesome impediment which diverts them from their occupations and business. If they are required to elect representatives, to support the government by personal service, to meet on public business, they think they have no time, they cannot waste their precious hours in useless engagements; such idle amusements are unsuited to serious men who are engaged with the more important interests of life. These people think they are following the principle of self-interest, but the idea they entertain of that principle is a very crude one; and the better to look after what they call their own business, they neglect their chief business, which is to remain their own masters.
>
> Alexis de Tocqueville, *Democracy in America*, Volume II. Edited by Philips Bradley. New York: Random House (Vintage Classics), 1972, pp. 140–141

> In the privacy of our living rooms we have made a devil's bargain with the advertising industry: Give us an endless flow of free programs and we'll let you spend 12 minutes of every hour promoting *consumption*. For a long time, it seemed to work. The ads grated on our nerves, but it was a small price to pay for "free" television.
>
> What we didn't realize when we made our pact with the advertisers was that their agenda would eventually become the heart and soul of television. We have allowed the most powerful communications tool ever invented to become the *command center of a consumer society*, defining our lives and culture the way family, community, and spiritual values once did.
>
> This does not mean that when we see a new toilet paper commercial we're destined to rush down to the store to buy its new or improved brand. Most single commercials do not have such a direct impact. What happens instead is a cumulative effect. Each commercial plays its part in selling an overall *consumer lifestyle*. When an ad for toilet paper reaches us in combination with other TV commercials, magazine ads, radio spots and billboards for detergents and designer jeans, new cars and cigarettes, and soft drinks and

cereals and computers, the collective effect is that they all teach us to *buy*. And to feel somehow dissatisfied and inadequate unless we have the newest, the latest, the best. It is this search for "something-more-than-what-we've-got-now" that is at the heart of the consumer culture we struggle with today.

Kalle Lasn, *Adbusters Quarterly*, Vol. 1,
No. 3, p. 9

Most people will hold right attitudes, without much formal instruction, when they feel themselves free, secure, and justly treated. The tough part of civic education is to prepare people for bad times. The question is not whether they will remember the right phrases, but whether they will put them into practice when they feel wrongly treated, in fear for their freedom and security. Or when authorities and the well-placed, public or private, appear to flout every value and priority taught in school. The chances for democratic principles to surmount crises depend upon the number of citizens who know how free societies, their own and others, have responded to crises of the past, how they acted to defend themselves, and how they survived. Why did some societies fall and others stand? Citizens need to tell each other, before it is too late, what struggles had to be accepted, what sacrifices borne and comforts given up, to preserve freedom and justice.

Paul Gagnon, *Democracy's Half-Told
Story: What American History Textbooks
Should Add*. Washington, D.C.: American
Federation of Teachers, 1989, p. 21

According to a Kettering Foundation study, many Americans, like citizens in other countries, yearn to take an active role in politics. But people lack three things: knowledge of how the political system works; a belief that they can make a difference; and a process for engaging policy-makers in an honest dialogue to discuss their concerns and seek solutions.

Elizabeth Thoman, "In the Light of the
Fires" in *Media and Values*, Issue 58
(spring 1992), p. 2

Philanthropy is an essential part of a much larger and more encompassing activity, namely, American citizenship. Now, when I mention citizenship, the first thing that comes to mind is probably not philanthropy or private voluntary activity of any kind, but more than likely political activity of some sort—particularly voting.

The essence of citizenship—or at least so its seems from the hectoring swarms of voter education and turn-out drives that descend upon us every election year—is to vote faithfully and thoughtfully, after acquainting ourselves with all the policy prescriptions of the various candidates for office. To be a good citizen, in other words, demands that we wade through those mind-numbing charts of policy positions regularly published each election year, which dutifully set Candidates X's 17-point plan for reducing the deficit side-by-side with Candidate Y's 21-point plan for doing the same.

Citizenship thus understood is necessarily an episodic, infrequent, to say nothing of onerous duty. Its chief purpose seems to be to turn over to supposedly qualified experts the real business of public life—namely, . . . bureaucrats, policy experts, social therapists and others who claim to be uniquely able to cope with such problems by virtue of professional training. Once a citizen has voted, he is supposed to get out of the way and let the experts take over. Small wonder, then, that Americans today feel profoundly alienated from the realm of public life and that citizenship understood as voting holds so little appeal.

Genuine citizenship involves active participation in that vast realm of human affairs known as civil society. This is a far more expansive field for human endeavor than the political sphere, for civil society encompasses all the institutions through which we express our interests and values, outside of and distinct from government. Thus civil society includes our activities in the marketplace, including acquiring private property, holding a job, and earning a living. It includes what we do as loving members of our families; and as faithful members of neighborhood associations, clubs, and voluntary associations of all sorts. This broader understanding of citizenship also encompasses the full range of philanthropic activity, including committing energy and resources to helping others. . . . What sorts of measures will be required, if we are to accomplish a revitalization of civil society?

First, we must be prepared to regard ourselves as genuinely self-governing citizens, willing and able to reassume control of our daily lives and to make critical choices for ourselves. We must not allow others to dismiss us as helpless victims or passive clients.

Second, we must seek to restore the intellectual and cultural legitimacy of citizenly common sense as a way of understanding and solving problems. This suggests an effort to reestablish the dignity of traditional folk wisdom and everyday morality, with renewed emphasis on teaching and nurturing personal character—the customary guideposts of everyday life. This will mean taking on intellectually the radical skepticism about such "unscientific" approaches propagated by professional pseudo-scientists eager to preserve their intellectual hegemony.

Third, we must reinvigorate and reempower traditional, local institutions—families, schools, churches, neighborhoods—that provide training in and room for the exercise of genuine citizenship, that pass on folk wisdom and everyday morality to the next generation, and that cultivate and reinforce personal character. This will require efforts to reform such institutions, for often today's churches, schools, and related "mediating structures" have themselves succumbed to the view that Americans are mere clients or consumers of therapeutic social services.

Fourth, we must encourage the dramatic decentralization of power and accountability away from . . . Washington, back to the states, localities, and revitalized "mediating structures." We should also strive to reinvest moral authority in such structures, rather than corrupt intellectual and cultural elites in education, the media, and popular culture who regard traditional mediating structures as benighted purveyors or reactionary prejudices. Finally, we challenge on all fronts the political hegemony of the "helping" and "caring" professionals and bureaucrats who have penetrated so many aspects of our daily lives. . . .

This will require not only traditional approaches like policy research, but more innovative approaches as well—for instance, media and writing projects that capture the vivid, compelling human stories of those who have launched successful grassroots citizen-empowerment projects.

What are the chances of successfully revitalizing civil society through this kind of active citizenship? It is easy to be pessimistic. . . . Nevertheless, I am hopeful. Tocqueville himself, after all, was not unacquainted with the destructive effects that modernity would have on civil institutions. Indeed, his purpose in writing *Democracy in America* was precisely to warn mankind about the impending storm of modernity and to tell us that the old, established institutions of civil society were in danger.

In America, however, he witnessed the remarkable spectacle of hitherto unrelated individuals—complete strangers—coming together to form wholly new forms of civil institutions, in the very teeth of the modern storm. He understood and appreciated the fact that the impulse toward voluntary association and the yearning for genuine citizenship within a civil society are not so easy to destroy.

World events of the past decade only confirm Tocqueville's optimism. No movement ever undertook the eradication of civil society with more zeal or determination than Marxism, that totalitarian perversion of modernity. And yet beneath the seemingly smoothly humming state bureaucracies of the former Soviet Union and Eastern Europe, there sprouted once again the seeds of civil society—churches, civic associations, unions, dissident groups, free presses.

Michael S. Joyce, from his speech, "Philanthropy and Citizenship," reprinted in *Imprimis*, Vol. 22 (May 1993), pp.1–2. Reprinted by permission of *Imprimis*, the monthly journal of Hillsdale College, Hillsdale, MI 49242, (517) 437-7341.

Unit V

Comparative Governments, with Emphasis on Totalitarianism

(See pages 105–107 of the *History–Social Science Framework.*)

Suggested Time for the Unit: 15 class periods

Topics in Unit V:	**Suggested Time:**
■ Major philosophies and comparative political systems: socialism, fascism, communism; fundamental differences between democracies and dictatorships of the right and the left; for example: • What kind of social contract exists between a state and its governed? • Are there rights and means of redressing wrongs? • What evidences are there of "consent of the governed" or "balance of power" within the nation? • What rights of citizens must the state respect? How philosophies determine political, social, and economic actions	4 class periods
■ Dictatorships in historical context: examples of human rights violations	3 class periods
■ Marxist ideologies in practice and their influence, especially the comparison of a Marxist or command economic system with a free enterprise system	4 class periods
■ The changing world: collapse of communism; emerging democracies; continued struggle in communist China	4 class periods

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Sample Topic:

Dictatorships in historical context: examples of human rights violations in light of the Universal Declaration of Human Rights

Suggested Time for the Topic:

3 class periods

Uses and Significance of the Topic

The twentieth century has witnessed massive violations of human rights in Europe, Asia, Africa, and the Americas. The Ottoman massacre of Armenians before and during World War I, European imperialist domination in Africa and Asia, Stalinist Russia's forced famine in the Ukraine, Nazi Germany's policy of genocide against European Jewry and others, wartime massacres of noncombatants, Communist China's violence against the Tibetans, death squads in Central America, Pol Pot's "killing fields" in Cambodia, the *desparecidos* of Chile and Argentina, and "ethnic cleansing" in the Balkans are examples of the brutality that has marked this century. In addition, basic civil rights have been denied through de facto and de jure segregation in many parts of the world, including the United States. Despite serious attempts by representatives of many nations to stem the arrogance of oppressors through the Universal Declaration of Human Rights adopted by the United Nations in 1948 and through negotiated accords, the horrors of violations of human rights are commonplace, as our newspapers and television screens attest. Governments of the right and left are still guilty of perpetrating crimes against humanity.

Through their study of this unit, students should explore human rights as an ethical issue related to the sanctity of life and the dignity of the individual; understand the ways in which different societies have tried to resolve ethical issues; understand that the ideas people profess affect their behavior; realize that concern for ethics and human rights is universal; and understand the roles and responsibilities of government and of individual citizens to protect human rights.

A helpful resource for teachers is the *Model Curriculum for Human Rights and Genocide*, published by the California Department of Education. In addition to an extensive list of curriculum resources, the guide suggests questions students may apply to governmental processes that protect human rights; detailed appendixes provide information regarding recent genocides in history (see "Resources for the Sample Topic").

The recent breakdown of the Soviet Union should not deter teachers from teaching about the paucity of rights in communist or other totalitarian societies. It behooves any people aspiring to maintain their freedoms to study patterns of despotism. Purges, mass arrests, the abolition of private property, the persecution of religious groups, systematic spying on citizens, military aggression, intolerance of any criticism of the government, single-party control, defections, and intolerance of independent trade unions are a few of the persistent traits of totalitarian regimes. Students should thoroughly analyze the reasons for such characteristics. How do totalitarian regimes come to power? Why do Marxist ideologies sometimes have special appeal to intellectuals and to the poor?

Students may want to consider the possible ramifications of writings by contemporary leaders such as Vladimir Zhirinovsky, an ultranationalist politician within Russia's Liberal Democratic party. In his 1993 autobiography, *The Final Thrust South*, Zhirinovsky sets forth his vision for future Russia: possession of strategic missile troops and missiles with multiple warheads; no competition; expansion to the Indian Ocean and Mediterranean regions; and the regaining of Alaska. As this document goes to press, Zhirinovsky's book is available only in Russian. Until translations become available, interested teachers will need to refer to news magazines and foreign affairs publications.

Presentation and Activities

A

Beginning the Topic

The teacher introduces the topic by using Lesson 31, "What Responsibilities Do People Have in Preserving and Extending Rights?" in the Center for Civic Education's *With Liberty and Justice for All: The Story of the Bill of Rights*, pages 148–150 (see "Resources for the Sample Topic"). This lesson focuses on the importance of citizens' commitments to the preservation and extension of civil and human rights. The lesson involves a critical-thinking exercise based on short quotations from the writings of John Donne, John Stuart Mill, Thomas Jefferson, Marilla Ricker, Judge Learned Hand, Parson Martin Niemoeller, Dr. Martin Luther King, Jr., and John F. Kennedy. Questions suggested in the manual are useful in beginning the topic: What are the responsibilities of individuals in securing and maintaining civil and human rights? What is government's role? Why is it important to fulfill these responsibilities in order to preserve a free and just society? Discuss students' responses.

Lesson 31 is followed by the study of Lesson 30, "What Can Be Learned from an International Perspective on Human Rights," pages 145–147. Students should pay particular attention to the historical backdrop of the drafting of the Universal Declaration of Human Rights.

B

Developing the Topic

Copies of the Declaration of Independence, the U.S. Constitution (both printed in many textbooks for civics and U.S. history), and the 1948 Universal Declaration of Human Rights (reproduced as an appendix in *With Liberty and Justice for All*, pages 176–180) are distributed to students. Students review these documents by listing the rights guaranteed in the American founding documents and comparing them to those expressed in the United Nations proclamation, the Universal Declaration of Human Rights. In particular, students should compare the first ten amendments of the U.S. Constitution to Articles 1–23 and Articles 24–29 of the UN Declaration. How are the U.S. amendments similar to Articles 1–23? How are they different from Articles 24–29?

As a result of the comparison activity, students see that the two documents articulate two different types of rights that reflect different political or philosophic beliefs. Specifically, the U.S. documents and the UN Articles 1–23 proclaim rights rooted in natural rights philosophy—rights intended to prevent a government from committing acts against its citizens (i.e., rights that restrain and limit the power of government). UN Articles 24–29 are standards of achievement or attainment that are worded as rights; these implicitly require governments to provide citizens with material goods. Drawing from their knowledge of historical events prior to 1947 and their familiarity with the governments represented at the drafting of the UN Declaration, students explain how these two different views of rights came to be reflected in the same document. What policies or events in U.S. domestic affairs might also have had an influence? (for example, the so-called second New Deal and

Franklin D. Roosevelt's "Four Freedoms" speech).[1]

Many scholars and critics have pointed out the seemingly contradictory nature of the UN Declaration. For if a government has sufficient power to guarantee and deliver all of the welfare or economic rights stated in the document, then that government must possess the power of income redistribution and a certain control over individuals' lives. (The constitution of the former Soviet Union, for example, curtailed the right of dissent when dissenters were opposed to whatever the leaders saw as the "common good.") On the other hand, if a society respects only natural rights and ignores the needs and aspirations of people as reflected in welfare rights, then its destitute and needy citizens are left "to wind and ashes."

Many historians and constitutional scholars see this dilemma as one of the defining problems of the twenty-first century, doubtless to be the basis of debates, dissentions, newly emerging constitutions, and possible strife, both at home and abroad. For example, how far, if at all, should a government go in securing material comforts for all its citizens? The UN Declaration of Human Rights reflects both sides of an argument that likely will constitute a central problem in future political and philosophic affairs. As this document goes to press, a number of the constitutions of newly emerging democracies include rights similar to Articles 24–29, yet governments are unable to secure them because they lack the resources.

In pairs, students discuss whether or not it is possible for any one government to fully live up to each of the articles in the UN Declaration. During the time allowed for reporting and discussion, the teacher can review some of the violations committed by member-states of the United Nations or some of the organization's controversial stances during recent times (see the second half of "Culminating the Topic").

Additional or alternative questions for class discussion, for quick-write or free-write assignments, or for brief reflective essays include:

- How does the UN Declaration reflect basic human goals?
- In what way or ways would you recommend the document be

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[1] These two types of rights are variously described as *negative and positive rights, political democracy and economic democracy, natural rights and welfare rights,* and *rights and entitlements,* among other terms. For a more complete discussion, teachers are referred to writings by Isaiah Berlin, Sidney Hook, William Galston, and Orlando Patterson, listed in the "Resources for the Sample Topic." Students should refer to the section "Differences Between the Documents" in Lesson 30 of *With Liberty and Justice for All* (pages 146–147) for an accessible and nontechnical explanation. Pages 611–623 of the civics framework *Civitas* (Calabasas, Calif.: Center for Civic Education) contain a concise discussion of concepts and history relating to individual rights. In full or in part, the *Civitas* pages are suggested as supplementary reading for students or teachers.

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changed? Would these changes make the Declaration easier or more difficult for nations to accept?

- Why would it be appropriate or inappropriate to specify actions that should be taken by signatory states to ensure that the articles are upheld?
- If you were the head of state or served as the chief adviser to, say, a king, prime minister, or president, would you advise signing the document?

To some extent, the discussion in this lesson of natural rights should be a review of the tenth grade unit "Connecting with Past Learnings: The Rise of Democratic Ideas." The philosophy of natural rights, the concept of natural law, and the ideas in the American Declaration of Independence are recommended in the *Framework* as topics for particular attention.

Culminating the Topic

The class uses the Declaration of Human Rights as a criterion for evaluating twentieth-century dictatorships. The class is divided into two groups, each assigned a specific twentieth-century dictatorship to investigate: One group is assigned a rightist regime, and the other, a leftist one. Students should build on their prior study of world history and U.S. history in investigating these regimes in greater depth. Each group divides the work so that some students are gathering information on the nation's laws and constitution as others are investigating practices and policies that are contrary to the Declaration.

The findings of each group may be presented in a mock world court or "Nuremberg tribunal." Students present specific evidence to show violations of the Universal Declaration of Human Rights. The activity concludes with a series of questions probing the responsibility of democratic states to temper or halt the brutality of these regimes. What was the official role of the United States? Did the United States accept refugees from these nations? Did the United States impose or support economic and/or political sanctions? What measures would have been reasonable, given the circumstances of the day? Do you, as an individual, have a responsibility to take action on behalf of citizens of another nation who are denied basic human rights? If so, are there ever any moral, legal, political, or logistical restrictions to beneficent, intermediary efforts? Following class discussion, students may review Lesson 31 of *With Liberty and Justice for All* to determine the responsibility of governments and the roles of individuals in preserving and expanding human rights.

As an alternative activity using the Universal Declaration of Human Rights, the class is divided into groups, and each is assigned a specific article of the Declaration. Each group gathers short documents, illustrations, artwork, excerpts from literature, and other pertinent resources that are applicable to the article of the Universal Declaration it has been assigned. Each group's work is posted in different stations around the classroom. After reviewing the collected data, students are asked to propose a plan to prevent the recurrence of violations of the Declaration.

Portfolios are one means of assessing students' work on this topic. Students compile a log of individual activities for the group project, a narrative describing their conclusions, and other evidence they consider appropriate for their portfolios. If possible, students may interview survivors of inhuman acts in history or interview persons who knew survivors.

Since research is paramount in preparing presentations, students also may include a bibliographical essay. The brief essay should focus on the methods used to gather information, a general evaluation of the findings, and an annotated bibliography assessing the value of consulted sources.

Teachers should point out to students that the United Nations, far from being universally regarded as a benign agent of global beneficence, continues to be highly controversial in many of its actions and policies. Although the United Nations was born of the dream of preventing war and resolving differences through a forum of diverse people representing diverse cultures and political systems, its history contains numerous examples of member-state violations.

Model UN programs, established in some high schools and colleges, sometimes present only the utopian dream: rational discussions among its countries' representatives. UN observers, however, attest to a quite different reality.

The following are a few of the controversies in the UN's history: the Zakharov case of 1986; the implicit repudiation of the UN charter's provision that its members refrain from the use of force; instances of double standard (e.g., routine condemnation of El Salvador's human rights violations but silence regarding Cuba's); a policy of moral equivalence (e.g., the Soviet invasion of Afghanistan is regarded as morally equivalent to the U.S. ouster of Cuban stalking-horses from Grenada). Sparking more recent criticism are the UN's new role of global peacekeeper; its stances on environmental issues, including its support of sustainable development; contentions over the Security Council; and reported instances of waste, corruption, and incompetence. The accomplishments and controversies of the United Nations, both historical and contemporary, are recommended for teachers' study and students' research.

A variety of resources are available for studying UN issues and controversies, including its Declaration of Human Rights, such as: *The UN: In or Out?*, a debate between John P. Conrad and Ernest van der Haag; and "Setting Priorities at the United Nations" and "Expanding United Nations Peacekeeping Role Poses Risk for America," both by Andrew J. Cowin (see "Resources on the United Nations and Related Controversies").

* * *

Using encyclopedias and other reference materials, students identify the countries that have signed or adopted the U.N. Declaration and those that have not. Students locate the countries on a map and use codes to indicate their signatory or nonsignatory status. Why did the latter group of countries choose not to adopt the Declaration? Is there any geographical, geopolitical, or ideological relationship among these nations?

Students may obtain reports on human rights violations from newspapers and magazines or from organizations such as Amnesty International. What are some recent cases of violations among signatory nations? Is there a pattern to the violations among these nations? (e.g., frequent oppression of persons of the same religious or ethnic group). How do a nation's constitutional protections increase the likelihood of a more consistent evolution of rights for all citizens than does a simple list of rights that signers support generally? The nonpartisan Freedom House produces an annual report that evaluates world nations on the extent to which they allow their peoples to exercise basic freedoms. This report, issued as a yearbook titled *Freedom in the World*, is available for purchase as a classroom resource. Teachers interested in obtaining copies may write to Freedom House at 120 Wall Street, New York, NY 10005. A bimonthly magazine, *Freedom Review*, is available from the organization's Washington, D.C. office, 1319 18th Street NW, 20036.

Extended and Correlated Activities

Students may research the sample topic outside of class, investigating the political philosophy on which the regime was, or is, based and examining laws and practices of the regime. Students may also research Amnesty International's critique of nations and of steps taken by the United Nations or individual states to promote changes in policies. For information regarding Amnesty International, its western regional office may be contacted at 655 Sutter Street, Suite 402, San Francisco, CA 94102, (415) 441-3733.

Collaborative groups of students may each investigate a different dictatorship and its record on human rights. Possible topics for research include: China under Mao Tse-tung or later rulers; Ukraine under Joseph Stalin; Aremenia under the Ottomans; Spain under Francisco Franco; Haiti under François Duvalier; Uganda under Idi Amin; Argentina under Juan Peron; Kampuchia under Pol Pot; Cuba under Juan Batista or Fidel Castro; Chile under Augusto Pinochet; Syria under Hafiz al-Assad; East Germany under Erich Honecker; Iraq under Suddam Hussein; and Romania under Nicolae Ceauşescu's

Students investigate current violations of human rights and their historical backgrounds and prepare a feature story, editorial, or editorial cartoon to spur public attention regarding the issue. Should the U.S. government or other governments intervene? What is the role and responsibility of individual citizens? The work is submitted to a local newspaper for publication. A student forum may be organized and conducted to marshal public opinion in support of a particular policy regarding the issue.

When comparing fundamental differences and similarities between dictatorships of the right and the left, teachers or students may develop Venn diagrams as means of recording important distinctions. The resulting visual aids can be helpful to some students in Chapter 1 and migrant education programs.

If students have not yet read Joseph Conrad's *The Heart of Darkness* (the study of it is sometimes correlated with the tenth grade unit "The Rise of Imperialism and Colonialism. A Case Study of India"), history–social science teachers may work with language arts teachers to correlate its study with this unit. On one level, the novel explores the nature of European domination of Africa. Various publishers issue the novel in paperback editions.

Resources

The following resources represent only a few of the many possible materials and sources that are available. Double asterisks (**) indicate works that are essential for full coverage of the unit; single asterisks (*) indicate works that are deemed important for successful coverage of the unit. For further selections, teachers should consult other bibliographies, such as *Literature for History–Social Science, Kindergarten Through Grade Eight* (Sacramento: California Department of Education, 1991).

Resources for the Sample Topic

*Berlin, Isaiah. *Four Essays on Liberty.* New York: Oxford University Press, 1969. These insightful essays by a great scholar focus on political ideas in the twentieth century and on the enduring impact of the ideas of John Stuart Mill. The third chapter, "Two Concepts of Liberty," contains Berlin's discussion of "positive" and "negative" rights, examples of which may be seen in the UN Declaration of Human Rights. It is suggested for study by teachers.

**Confronting the Constitution: The Challenge to Locke, Montesquieu, Jefferson, and the Federalists from Utilitarianism, Historicism, Marxism, Freudianism, Pragmatism, Existentialism* . . . Edited by Allan Bloom. Waldorf, Md.: The American Enterprise Institute Press, 1991. Notions hostile to American principles can pose serious threats to the Constitution. Some ways of thinking that spring from the social sciences, for example, or contemporary rights theories, constitute a direct assault on our traditions. The 17 essays in this volume examine the precepts of the Founders and then analyze how the most significant post-Constitution ideas harmonize with the Constitution and how they undermine it. The book is a brilliant discussion of the clash of ideas over the meaning of American constitutionalism. It is noteworthy for its careful documentation and extensive index. The positions and arguments are well stated and presented in an intellectually combative mode. For purchasing information, telephone the publisher at (800) 269-6267.

*Galston, William. "Between Philosophy and History—The Evolution of Rights in American Thought," in *Old Rights and New.* Edited by Robert A. Licht. Washington, D.C.: The American Enterprise Institute Press, 1993, pp. 51–74. Covering history, politics, and moral theory, scholar Galston cites different responses to such questions as "What rights do people have? Who are the bearers of rights?" He stresses the connection between rights and liberalism over time and reviews some current disagreements among political scientists and philosophers. The book's introduction presents a detailed synopsis of this and other essays in this book suggested for reading by teachers. The publisher may be contacted at (202) 862-5800 for purchasing information.

Hook, Sidney. *Power and Freedom: Critical Studies in Democracy, Communism, and Civil Rights*. New York: Collier Books, 1959. A distinguished essayist and erstwhile Marxist, the late Sidney Hook here offers a cogent and penetrating discussion of vital issues. The third chapter, "Are There Two Kinds of Democracy?", is germane to the question of political and subsistence rights in a free society. It is recommended for reading by teachers and serious students.

Patterson, Orlando. *Freedom: Freedom and the Making of Western Culture*. New York: HarperCollins (Basic Books), 1991. Patterson disputes Isaiah Berlin's concepts of "positive" and "negative" rights. Available in a two-volume paperback, this book is pertinent to discussions of the UN Declaration of Human Rights. It is suggested for reading by teachers. For purchasing information, contact the publisher at (800) 242-7737.

***With Liberty and Justice for All: The Story of the Bill of Rights*. Calabasas, Calif.: Center for Civic Education, 1991. This supplementary textbook constitutes a complete unit of study for high school students on the Bill of Rights. Unit 6 provides several lessons on the extension and maintenance of human rights. Lessons 30 and 31 are highly recommended as means of introducing this topic. Lesson 30 examines the context of the Universal Declaration of Human Rights and, through critical thinking exercises, has students compare the United Nations Declaration with the United States Constitution and Bill of Rights. Lesson 31 examines individual responsibilities in preserving and extending human rights.

Resources on Dictatorships

Abbott, Elizabeth. *Haiti: The Duvaliers and Their Legacy*. New York: McGraw-Hill, 1988. An account of Haiti under the brutal Duvalier dictatorship, the book incorporates a variety of perspectives from interviews with political prisoners, a former Tonton Macoute, and cabinet members. The historical account ends with the military assumption of power in 1988. This book provides good background information for a contemporary study of Haiti.

Chandler, David. *The Tragedy of Cambodian History: Politics, War and Revolutions Since 1945*. New Haven, Conn.: Yale University Press, 1991. Through a critical study of Cambodia during the Sihanouk, Lon Nol, and Pol Pot regimes, Chandler discusses the underlying events and forces that have influenced the tragic contemporary history of the Khmer Republic.

Chile Under Military Rule. Edited by Gary MacEoin. New York: IDOC, 1974. A number of contributors helped to make this book a good collection of short readings on the Pinochet dictatorship and human rights violations. The writers examine political and economic issues as well as the international responses to the regime.

Conquest, Robert. *The Great Terror: A Reassessment.* New York: Oxford University Press, 1990. This is a revision of the author's 1968 classic work on the Stalinist era. This new edition relies on source material made available because of glasnost; many of the conclusions drawn in the earlier edition are verified by recently released documents. This comprehensive study is recommended for serious students.

Crawley, Eduardo. *Dictators Never Die: A Portrait of Nicaragua and the Somoza Dynasty.* New York: St. Martin's Press, 1979. This is a historical study of Nicaragua. The author, critical of the United States's role in Nicaraguan history, refers to American involvement over time as a "dress rehearsal" for Vietnam. The study ends before the establishment of the Sandinista regime. The Somoza story is one of a right-wing dictatorship that received support from the United States. This is a good source for background material on modern Nicaragua.

Drinan, Robert F. *Cry of the Oppressed: The History and Hope of the Human Rights Revolution.* San Francisco: Harper and Row, 1987. Father Drinan, a noted advocate of human rights, served for ten years in the United States Congress as a representative from Massachusetts. In this book, he reviews the United Nations Declaration on Human Rights and appraises, often critically, the role of the United States in promoting human rights.

Ethiopia: The Politics of Famine. New York: Freedom House, 1990. This short work examines the 1974 military coup that established a communist regime in Ethiopia under Mengistu Haile Mariam. The text is a record of a symposium on Ethiopia published in the *Focus on Issues* series. Freedom House publications call attention to human rights violations of regimes of both the left and right. This is a good source on modern Ethiopia.

Ferguson, James. *Papa Doc, Baby Doc: Haiti and the Duvaliers.* New York: Basil Blackwell, 1987. This is a brief study of Haiti under the Duvaliers. Ferguson reports on the historic roots that brought François Duvalier to power and the causes of the collapse of Jean-Claude Duvalier.

Gwyn, David. *Idi Amin: Death-Light of Africa.* Boston: Little, Brown, 1977. This history of modern Uganda is the story of a ruthless dictator. It was written by a Ugandan resident using a pseudonym to protect colleagues residing in the nation. The author writes of the atrocities of the regime from personal experience.

Human Rights. Edited by Thomas Draper. New York: H. W. Wilson, 1982. This volume in the *Reference Shelf* series (Vol. 54, No. 1) presents a comprehensive view of human rights issues. The articles included in the text are reprints from a number of American and United Nations publications.

Ibingira, G. S. K. *The Forging of an African Nation: The Political and Constitutional Evolution of Uganda from Colonial Rule to Independence, 1894–1962*. New York: Viking, 1973. Ibingira, a Ugandan statesman, wrote this historical account of the development of a Ugandan national state. It is an excellent background study of Uganda prior to the coup that brought Idi Amin Dada to power.

International Action Against Genocide. Report No. 53. London, U.K.: Minority Rights Group, n.d. This 16-page document provides a succinct but comprehensive overview of genocide. It is a resource for both teachers and students.

The International Bill of Human Rights. Edited by Paul Williams. Glen Ellen, Calif.: Entwhistle Books, 1981. The text provides a brief history of the framing and publication of the International Bill of Human Rights. The appendix includes excerpts from the United Nations Charter, the European and American Conventions on Human Rights, and the Helsinki Accords. This is a good primary source.

Karugire, Samwiri Rubaraza. *A Political History of Uganda*. Nairobi, Kenya: Heinemann Educational Books, 1980. This history of Uganda from the precolonial era to the coup that brought Idi Amin to power was written by a Ugandan scholar. It includes Idi Amin's 18 reasons justifying his military takeover. The book is a good starting point for comparing Amin's regime to the Obote regime he ousted.

Kronenwetter, Michael. *Taking a Stand Against Human Rights Abuses*. New York: Franklin Watts, 1990. Amnesty International developed this overview of the history of human rights. Written in a clear, easy-reading style, the text explains what steps may be taken to fight human rights abuses.

Kuper, Leo. *Genocide: Its Political Use in the Twentieth Century*. New Haven, Conn.: Yale University Press, 1982. This comprehensive study of genocide in the contemporary world includes source materials for teachers.

Langer, Lawrence L. *Holocaust Testimonies: The Ruins of Memory*. New Haven, Conn.: Yale University Press, 1991. This study of the emotional and psychological impact of the holocaust is based on testimonies of survivors. Langer's work is a stark reminder of the lasting impact of human rights violations.

Laqueur, Walter. *Stalin: The Glasnost Revelations*. New York: Scribner, 1990. Laqueur documents the terror of the Stalinist era through documents released by President Gorbachev.

Liu, Binyan, with Ruan Ming and Xu Gang. *Tell the World What Happened in China and Why*. New York: Pantheon, 1989. Translated by Henry L. Epstein. This is a passionate plea to the world to expose the ruthless repression that took place at Tiananmen Square in Beijing in 1989. Liu Binyan argues that the government's attack on the students marked the disintegration of the old communist structure and accelerated the ultimate collapse of the regime. The text includes eyewitness accounts by Xu Gang, a participant in the democracy movement in Beijing.

Medvedev, Roy. *Let History Judge: The Origins and Consequences of Stalinism.* New York: Columbia University Press, 1989. Translated by George Shriver. Medvedev, a prominent Soviet historian, exposes the terror against the kulacs, the purges and show trials, Stalin's wartime miscalculations, and the purges of the postwar era. It is a comprehensive study based on recently released documents. This book is recommended for serious students.

***Model Curriculum for Human Rights and Genocide*. Sacramento: California Department of Education, 1987. This guide for classroom teachers, which is aligned with the *History–Social Science Framework*, contains a model that may be used in developing lessons on human rights issues. The publication includes a detailed list of curriculum resources as well as appendixes that contain background readings on twentieth-century genocides and totalitarian violations of human rights. Purchasing information is available by telephoning (800) 995-4099.

Page, Joseph. *Perón: A Biography*. New York: Random House, 1983. This biographic study of the Argentine dictator Juan Perón spans his political career. It is based on interviews and U.S. government documents. This thorough study is recommended for a focused study of the Perón eras.

Parra, Marco Antonio de la, and Ariel Dorfman. *Chile from Within, 1973–1988*. New York: Norton, 1990. This is a unique pictorial essay of Chile during the Pinochet regime. The book includes a discussion of issues related to each of the photographs, a chronology of major events, and articles from leading newspapers.

Rapoport, Yakov. *The Doctors' Plot of 1953*. Cambridge, Mass.: Harvard University Press, 1991. The author is a survivor of the Stalinist purge following the fabricated "Doctors' Plot" to eliminate prominent public figures in the USSR. The author describes his suffering in the infamous gulags. He examines the anti-intellectualism and antisemitism of the Soviet Union in the 1950s.

Sakharov, Andrei. *Moscow and Beyond, 1986 to 1989*. New York: Alfred A. Knopf, 1991. This extraordinary story recounts the author's struggle to release political prisoners, his encounters with Mikhail Gorbachev, and his election to the Congress of People's Deputies.

Salisbury, Harrison E. *Tiananmen Diary: Thirteen Days in June*. Boston: Little, Brown, 1989. Salisbury, a leading authority on China, witnessed the unfolding events that led to the massacre at Tiananmen Square in June, 1989. Salisbury interviewed student leaders, civil servants, and government officials during the days immediately before the armored column crushed the demonstration. Leaving Beijing, the author traveled across China gathering information on the reverberations of Tiananmen in

the provinces. This is an exceptional eyewitness account of the tragedy.

Shiman, David. *Teaching Human Rights: Issues of Justice in a Global Age*. Denver, Colo.: Center for Teaching International Relations, 1992. This reproducible activity book provides a variety of lessons at different ability levels on themes related to the Universal Declaration of Human Rights. The activity book is available through social studies supply houses.

Simmie, Scott, and Bob Nixon. *Tiananmen Square*. Seattle: University of Washington Press, 1989. This is an account of Tiananmen Square by foreign journalists who witnessed firsthand the repression of student demonstrators.

Thomas, Hugh. *The Cuban Revolution*. New York: Harper and Row, 1977. This is perhaps the most insightful and thorough study of the Cuban Revolution yet written. Thomas's work is an encyclopedic account of the events that brought Castro to power. It is an excellent sourcebook on the Cuban Revolution.

Torney-Purta, Judith. "Human Rights," in *Teaching for International Understanding, Peace and Human Rights*. Edited by Norman Graves, and others. Paris: UNESCO, 1984. This article describes 25 classroom activities on human rights, discrimination, and the plight of refugees. It is available through social studies supply houses.

Uganda Now: Between Decay and Development. Edited by Holiger Bernt Hansen. Athens: Ohio University Press, 1988. This study of modern Uganda focuses on the era following the Amin dictatorship. It is a collection of articles and essays by leading Ugandan scholars and by political scientists and economists from around the world.

Wilentz, Amy. *The Rainy Season: Haiti Since Duvalier*. New York: Simon and Schuster, 1989. A reporter's account of the turbulent years following the fall of the Duvalier dictatorship, this work is enlivened by the personal accounts of Haitians, from a parish priest to street urchins.

Wiesel, Elie. *From the Kingdom of Memory, Reminiscences*. New York: Summit Books, 1990. Wiesel, recipient of the Nobel Peace Prize (1986), writes on contemporary issues from the perspective of a Holocaust survivor. In his introduction, Wiesel poses the rhetorical question, "Why do I write?" and responds, "Perhaps in order not to go mad, or, on the contrary, to touch the button of madness." The author writes with conviction and passion on contemporary issues and policy decisions.

Yi, Mu, and Mark V. Thompson. *Crisis at Tiananmen*. San Francisco: China Books and Periodicals, 1989. A chronicle of the events leading to the demonstrations and the ultimate repression of the student movement in June, 1989, this book, written by a Chinese journalist, includes a number of photographs that are a vivid reminder of the peaceful protest and its violent climax. Half of the book is devoted to speeches, newspaper articles, and eyewitness accounts.

Resources on the United Nations

Boutros-Ghali, Boutros. *An Agenda for Peace*. New York: The United Nations, 1992. In this publication, the UN's secretary-general outlines a series of proposed, graduated UN responses to international aggression, along with his beliefs regarding the United Nations's peace-enforcing role. The Cowin essays cited below present an opposing viewpoint, raising questions regarding some of Boutros-Ghali's proposals.

Cowin, Andrew J. "Setting Priorities at the United Nations." *United Nations Assessment Project Study*. Washington, D.C.: The Heritage Foundation, 1993. This paper is a background and briefing paper discussing the serious ramifications of the UN's peacekeeping and environmental roles. It also critiques the mismanagement and corruption allegedly rampant in the United Nations, the organization's apparent inability to establish attainable goals, and Boutros-Ghali's thwarted efforts toward reform. Particularly helpful are a flowchart of UN committees and councils and a table of UN agency acronyms. Cowin writes regularly on UN issues. See also his 1992 essays "Expanding United Nations Peacekeeping Role Poses Risk for America," "Talking Points: George Bush's Trip to the UN Earth Summit: Five Principles to Guide Global Policy" and other pieces. For purchasing information, contact the publisher at (800) 544-4843.

Durch, William, and Berry Blechman. *Keeping the Peace: The United Nations in the Emerging World Order*. Washington, D.C.: The Henry L. Stimson Center, 1992. The authors call for an expanded UN role. This is a good foil for the Cowin articles, cited previously, since these authors argue for a preeminent UN peacekeeping role. For purchasing information, contact the Stimson Center at (202) 223-5956, or at 21 DuPont Circle, Fifth floor, Washington, DC 20036.

van der Haag, Ernest, and John P. Conrad. *The UN: In or Out? A Debate*. New York: Plenum Press, 1987. Although recent events in the world have made this in-depth debate slightly out-of-date, it remains a pertinent resource when examining some issues related to the UN.

Williams, Doug. *The Specialized Agencies and the United Nations*. New York: St. Martin's, 1990. This book discusses the purposes, functions, and conflicts among various UN agencies.

Resources on Comparative Political Systems

Blondel, Jean. *An Introduction to Comparative Government*. New York: Praeger, 1969. This scholarly text provides a conceptual framework for a study of comparative governments.

Cohen, Carl. *Communism, Fascism, and Democracy: The Theoretical Foundations*. New York: Random House, 1967. A comprehensive study of the philosophical backgrounds of these three political systems, this book is recommended as a sourcebook for students' research.

Rubinstein, Alvin Z. *Communist Political Systems*. Englewood Cliffs, N.J.: Prentice Hall, 1966. Rubinstein's anthology is a comparative study of major communist states. The author examines the structure of different systems and the mechanism of the Communist Party in each nation under review. The text also includes essays by leading political figures.

Resources on Marxist Ideologies in Practice and Influence

Archer, Jules. *China in the Twentieth Century*. New York: Macmillan, 1974. This is an easily read text that provides a good general look at China, from the formation of the republic to Sino-American détente.

Baum, Richard, and Louise B. Bennett. *China in Ferment: Perspectives on the Cultural Revolution*. Englewood Cliffs, N.J.: Prentice-Hall, 1971. The articles in this collection of writings by political scientists, historians, and government leaders on China probe the events leading to the Cultural Revolution and analyze its impact on Chinese life.

Bloodworth, Dennis. *The Messiah and the Mandarins: Mao Tse Tung and the Ironies of Power*. New York: Atheneum, 1982. A study of the Chinese Revolution and Mao's rise to power. The text provides a good account of "the Great Leap Forward" and the Cultural Revolution.

Castro, Fidel. *Nothing Can Stop the Course of History*. New York: Pathfinder Press, 1986. The text is an interview with Fidel Castro conducted by Dr. Jeffrey Elliot, a professor of political science, and Congressman Mervyn Dymally, California. The questions of the interviewers cover a host of topics, including Cuban-American relations, the invasion of Grenada, apartheid, and the Latin American debt crisis. This is an excellent source on the attitudes, postures, and perspectives of the Cuban dictator.

The Chinese Cultural Revolution: Selected Documents. Edited by K. H. Fan. New York: Monthly Review Press, 1968. This is a worthwhile study of the ideological roots of the Cultural Revolution and its impact on Chinese society.

Ching, Julia. *Probing China's Soul*. New York: Harper and Row, 1992. For many years, some Western observers have argued that communism is compatible with the Confucian and Taoist traditions of China and that the Chinese people were content to live under this system. The courageous protests at Tiananmen Square in June of 1989 and the brutal suppression by the government indicate that such an analysis was superficial.

But what does the future hold for China? Will repression give way to a Chinese version of glasnost and perestroika? These are among the issues dealt with by Ching, a respected Chinese scholar now at the University of Toronto. See also the author's earlier works, *Confucianism and Christianity* and *Christianity and Chinese Religions*.

The Cuban Reader: The Making of a Revolutionary Society. Edited by Philip Brenner and others. New York: Grove Press, 1989. This collection of excerpts from a wide variety of scholarly works examines many aspects of political, economic, and social history of Castro's Cuba. The text explores the roles the United States and Soviet Union have played in Cuban political and economic history. This is an excellent sourcebook.

Daniels, Anthony. *Utopias Elsewhere: Journeys in a Vanishing World*. New York: Crown Publishers, 1991. As the communist system began to disintegrate, the author began a tour of Albania, North Korea, Romania, Vietnam, and Cuba to investigate the impact of change in these societies. This is an interesting account of his travels.

Eberstadt, Nick. *The Poverty of Communism*. New Brunswick, N.J.: Transaction Publishers (Rutgers—The State University), 1988. This book constitutes the first comprehensive effort to document the extent to which Marxists governments, which systematically blame poverty on capitalism, have failed to eradicate poverty in their own domains. Remarkably, even supporters of free markets often presume that collectivist economies are morally superior. Eberstadt examines the claim and the evidence clearly and provides documentation. The author is a scholar at the Harvard University Center for Population Studies. This book is available in paperback. For purchasing information, telephone the publisher at (908) 932-2280.

Ethridge, James M. *China's Unfinished Revolution: Problems and Prospects Since Mao*. San Francisco: China Books and Periodicals, 1990. This book presents a good picture of China in the last decade. It is a thorough guide to the study of contemporary China.

Hautzig, Esther. *The Endless Steppe*. New York: Harper and Row, 1987. Set in Poland and Siberia during World War II, this book tells the story of the author's childhood. Because it presents the harsh brutalities of a totalitarian regime, students can reflect on the purposes and benefits of freedom. Hautzig's story, which reads like a novel, was written at the suggestion of Adlai Stevenson. A paperback edition by Harper Junior is comparatively inexpensive and makes class sets feasible for many schools.

Liu, Binyan. *A Higher Kind of Loyalty*. New York: Pantheon, 1990. Liu, a prominent Chinese journalist now in exile in the United States, was an idealistic member of the Chinese Communist Party during the 1940s; in 1957, however, he was purged in the "anti-rightist" campaign and was "reeducated." Power, corruption, unspoken convictions, and the price paid for speaking one's views are all presented here with a candor and directness that can come only from firsthand experience. Critics have declared this book to be a major historical document for its depiction of life and politics in China.

McLellan, David. *Marxism After Marx: An Introduction*. New York: Harper and Row, 1979. McLellan's work is a study of the adaptation of Marxist ideology in various countries. The author examines Marxism as it has been shaped by different regimes worldwide.

Mikheyev, Dmitry. *The Rise and Fall of Gorbachev*. Indianapolis, Ind.: Hudson Institute, 1992. Mikheyev, an exiled Soviet dissident, regards Gorbachev in the way that many Russian people do—as an *apparatchik* who sought to strengthen, not replace, the Soviet communist system.

Perez, Louis A., Jr. *Cuba: Between Reform and Revolution*. New York: Oxford University Press, 1988. This general history of Cuba concludes with an appraisal of the Castro regime. Perez notes successes in health care and education as well as economic failures of the regime.

Solzhenitsyn, Aleksandr I. *The Gulag Archipelago, 1918–1956. An Experiment in Literary Investigation*. Vol. I–VII. New York: Harper and Row, 1976. This classic study of Soviet camps is an indictment of the USSR and a memorial to the martyrs who were imprisoned in the gulags. Solzhenitsyn's *Cancer Ward* (New York: Random House, 1984) and *One Day in the Life of Ivan Denisovich* (New York: Bantam, 1984) draw attention to the brutality of the Soviet regime in dealing with its people. See also the author's play *The Love-Girl and the Innocent* (Bantam, 1972).

The Storm Clouds Clear over China: The Memoir of Ch'en Li-fu, 1925–1992. Edited by Sidney H. Chang and Ramon H. Myers. Stanford, Calif.: Hoover Institution Press, 1993. In 1919 and 1920 various revolutionaries formed two political parties: the Kuomintang (KMT) and the Chinese Communist Party (CCP). To this day, no high-ranking KMT or CCP leaders have published their memoirs, leaving us few insights into China's leaders and little understanding of the historical events they influenced. This unique memoir concentrates on the years before 1950 and the extraordinary events that led to the defeat of the KMT. As personal secretary, confidant, and loyal official to Chiang Kai-Shek, Ch'en Li-fu played an important role in national and international politics. The purge of the Communists in Shanghai is one of the most revealing episodes in this memoir. Ch'en Li-fu also outlines three fatal policies to illustrate why the KMT and the Republic of China lost control of the country in 1945. This is an extraordinary resource for teachers' reading and for research by serious students.

Sutter, Valerie O'Connor. *The Indochinese Refugee Dilemma*. Baton Rouge: Louisiana State University Press, 1990.

This is a scholarly study of the foreign and domestic issues involved in the resettlement of over two million refugees from Southeast Asia following the Vietnam War. Sutter uses the exodus of Hungarians after the 1956 revolution to provide a perspective on the more recent plight of refugees escaping from a communist system.

Townsend, Peter. *The Girl in the White Ship*. New York: Holt, Rinehart and Winston, 1981. This is a compelling story of a thirteen-year-old girl's escape from Vietnam and the perils she suffered in her escape.

Ulam, Adam B. *The Communists: The Story of Power and Lost Illusions, 1948–1991*. New York: Scribner, 1992. This is a careful study of communism and the cold war after World War II by the director of the Russian Research Center at Harvard. Ulam analyzes the decline and ultimate collapse of much of the communist world. The author contends that the USSR was "neither powerful enough nor ready for a confrontation with the West" and that American officials failed to distinguish between Soviet rhetoric and their power to enforce this ideology. Ulam devotes considerable space to Soviet client states and Western communist parties.

Wren, Christopher S. *The End of the Line: The Failure of Communism in the Soviet Union and China*. New York: Simon and Schuster, 1990. Wren's study focuses on the Soviet Union's and China's inabilities to address pressing social and economic issues. This is a personal account with interesting anecdotes.

Resources on the Changing World

"Aid to the Former Soviet Union: Pros and Cons," *Congressional Digest* (August-September 1992). This particular issue features speeches by leading senators on the issue of foreign aid. This is an excellent student reference on the issue.

Badkowski, Lech, and others. *The Book of Lech Walesa*. New York: Simon and Schuster, 1982. This biography of Lech Walesa is a collective portrait written by seven friends and colleagues. The book brings together eyewitness accounts of the laborer who became the driving force behind the Solidarity movement.

Codrescu, Andrei. *The Hole in the Flag: A Romanian Exile's Story of Return and Revolution*. New York: William Morrow, 1991. The author's personal account of the fall of Ceauşescu's autocratic communist regime in Romania is grim and compelling.

"Communism and the Cold War." ABC News InterActive Videodisk, 1991. (Videodisk player, hard disk, HyperCard 1.2.2 required). This interactive videodisk provides students with the opportunity to draw information regarding the Cold War, its effects on the peoples of both the U.S. and USSR, and the collapse of communism in Eastern Europe. Prominent scholars and decision makers give their perspectives on significant events. Audio tracks enable the teacher to play the commentary in either English or Spanish. A teachers' guide offers suggested lesson plans. The program is distributed by Optical Data or by social studies supply houses.

Craig, Mary. *Lech Walesa and His Poland.* New York: Continuum Publishing, 1986. Craig has written a history of contemporary Poland based on the struggles of Lech Walesa and the Solidarity movement.

Darnton, Robert. *Berlin Journal, 1989–1990.* New York: Norton, 1991. Darnton writes an eyewitness account of the changes in Germany during 1989 and 1990. This is a human story of the events as seen through the eyes of individuals and chronicled by a Princeton University historian. Darnton also examines the political and economic aftermath of unification.

Djilas, Aleksa. *The Contested Country: Yugoslav Unity and Communist Revolution, 1919–1953.* Cambridge, Mass.: Harvard University Press, 1991. An extremely good background study of the contemporary nationalist movement in what was formerly Yugoslavia. Djilas's work focuses on the concept of Slavic unity and the nationalist aspirations of Croats and Serbs. The author also discusses the groups' relationships with the Yugoslav Communist Party.

Dragnich, Alex N. *Serbs and Croats: The Struggle in Yugoslavia.* New York: Harcourt Brace Jovanovich, 1992. Dragnich discusses the evolution of the current crisis in the former nation of Yugoslavia.

**EASTERN EUROPE* series. Three texts, three videotapes. Stanford, Calif.: SPICE, n.d. This three-part series examines, through interactive lessons, changes in Eastern Europe from the end of World War II to the present. In the first in the series, *Captive Lands,* students examine the impact of communism on Eastern Europe; the video focuses on U.S. anticommunist propaganda and the Czech "show trials." Part 2, *Dissidence Censored,* examines censorship imposed by communist regimes; the video program accompanying Part 2 focuses on Romania. The third program in the series explores problems of the 1990s, including restructuring from command to market economies, pollution, and nationalism; the video contains a variety of material from Eastern European television programs, from news to soap operas. The lessons include critical-thinking skills, writing, readers' theater, and mapping exercises. The program may be obtained from SPICE, Littlefield Center, Room 14, Stanford University, Stanford, CA 94305-5013.

Also available from SPICE is "Free to Choose: A Teacher's Guide to Revolution and Reform in Eastern Europe"; "Soviet-American Relations: Cold War to New Thinking," five interactive lessons on Soviet-American relations from the end of World War II to 1990; and *When Iron Crumbles: Berlin and the Wall,* 11 lessons based on primary sources pertaining to events from the

1920s to the unification of Germany. The videotape contains original footage to supplement the program.

Germany in a New Era. Edited by Gary L. Geipel. Indianapolis, Ind.: Hudson Institute, 1992. Available both in paperback and hardback, this book explores the opportunities and dangers faced by a united Germany. Of special interest are the varied charts and tables and a chronology of events since German unification. Also available from Hudson is Geipel's *The Future of Germany* (1990), a collection of papers first delivered at a conference after the razing of the Berlin Wall.

Goldfarb, Jeffrey. *After the Fall: The Pursuit of Democracy in Central Europe*. New York: Basic Books, 1992. This is a political and economic study of Europe following the breakup of the USSR and the fall of communist regimes. The text appraises the rise of nationalist sentiments, the role of the Catholic Church, the Western concept of tolerance, and economic restructuring during the transition to free societies.

Gorbachev, Mikhail. *The August Coup: The Truth and the Lessons*. New York: HarperCollins, 1991. This is Gorbachev's personal account of the August, 1991, coup that led to the collapse of the USSR. Gorbachev gives a personal account of his three-day confinement in the Crimea.

Havel, Vaclav. *Letters to Olga*. New York: Henry Holt & Co., 1989. The playwright Havel, Czechoslovakia's first non-Communist president in nearly a half century, wrote these letters to his wife, Olga, while serving years in prison for human rights activities. The letters show the courage and convictions of a crusader against totalitarianism.

Hiden, John, and Patrick Salmon. *The Baltic Nations and Europe: Estonia, Latvia and Lithuania in the Twentieth Century*. New York: Longman, 1991. In this historical appraisal of the three Baltic states and their relations with the Soviet Union, the authors explore the origins of Baltic independence, the brief periods of independence between the world wars, the years of suppression between Stalin and Brezhnev, and the Gorbachev era. The work is critical of Western inaction in the recent independence movements.

Hungary in Transformation to Freedom and Prosperity. Prepared by the Blue Ribbon Commission. Indianapolis, Ind.: Hudson Institute, 1990. This is an English translation of the action plan by an international commission convened to help Hungary's new democratic government chart the heretofore unexplored route from a communist to a market economy. The Hudson Institute coordinated much of the work of the commission.

Lepak, Keith John. *Prelude to Solidarity: Poland and the Politics of the Gierek Regime*. New York: Columbia University Press, 1988. Lepak makes a detailed analysis of Poland under Edward Gierek in the decade prior to the establishment of Solidarity. He argues that the communist regime's failure to manage Poland's dilemmas gave birth to Solidarity.

McFaul, Michael, and Sergei Markov. *The Troubled Birth of Russian Democracy: Parties, Personalities, and Programs.* Stanford, Calif.: Hoover Institution Press, 1993. Communism's collapse in the Soviet Union in 1991 was not simply the result of the reform efforts of Mikhail Gorbachev and Boris Yeltsin. Since 1988, anti-Communist political parties and movements had been forming openly, challenging the Communist Party's monopoly on power. The authors capture the thoughts of these diverse parties at a critical juncture in Russian history. Dozens of anti-Communist leaders, interviewed in the months immediately preceding and following the August, 1991, coup d'état, speak candidly of their parties' economic programs and attitudes toward a market economy; attitudes toward the growing independence movements among diverse ethnic populations; relations with the West; and other topics. This combination of analyses, interviews, and original documents gives readers a thorough, in-depth look at contemporary Russian politics. This is an extraordinary resource for teachers and serious students. For purchasing information, telephone the publisher at (415) 723-3373.

Morrison, John. *Boris Yeltsin: From Bolshevik to Democrat.* New York: Dutton, 1991. Morrison's biography examines the political career of Russia's controversial leader. The work also explores Yeltsin's relationships with Mikhail Gorbachev.

Nixon, Richard M. *Seize the Moment: America's Challenge in a One-Superpower World.* New York: Simon and Schuster, 1992. Former President Nixon looks at the challenges facing the United States in the contemporary era. Nixon argues for a prominent U.S. role in world affairs and against the idea that continued U.S. military power is irrelevant since the collapse of the Soviet Union. Insightful writing demonstrates the late president's grasp of world affairs.

Odom, W. E. *Trial After Triumph: East Asia After the Cold War.* Indianapolis, Ind.: Hudson Institute, 1992. Odom examines Northeast Asia's future from the perspectives of Japan, China, the Koreas, the United States, and Russia. The author offers guidance for American efforts to build new, regional stability in Northeast Asia.

*Pilón, Juliana Geran. *The Bloody Flag: Post Communist Nationalism in Eastern Europe—Spotlight on Romania.* New Brunswick, NJ: Transaction Books (Rutgers—The State University), 1993. Recently disseminated throughout Romania, this book is a good source for a study of current and nearly current events in Romania. Its subject is the aftermath of political currents in a nation struggling upward from oppression. This is a penetrating study, notably well-informed. Pilón's autobiography, *Notes from the Other Side of Night,* recently has been republished by the

University Press of America and is recommended for correlation with language arts classes.

*Revel, Jean-François. *How Democracies Perish.* New York: Harper and Row, 1985. This is a provocative book by a celebrated French intellectual about some of the threats that democracy faces in the modern world and some of the characteristics of democracies that make them disinclined to look after their own survival. Revel is influential and often quoted.

The Second Russian Revolution. Six videotapes, 60 minutes each. The Discovery Channel, 1992. This *ASSIGNMENT DISCOVERY* series, produced by the Discovery Channel and the BBC, provides an in-depth look at the August coup that ultimately led to the demise of the Soviet Union. The programs include documentary footage of the "revolution" and interviews with Soviet leaders. The series is available for purchase through Coronet/MTI Film and Video.

Taubman, Jane A., and William Taubman. *Moscow Spring: January to June 1988.* New York: Simon and Schuster, 1989. The authors and their children spent the first half of 1988 in Moscow. This engaging account of what life in the Soviet Union was like during the Gorbachev era includes their family experiences. The authors are Soviet specialists and do not write as tourists but as knowledgeable veterans.

Tismaneanu, Vladimir. *Reinventing Politics: Eastern Europe from Stalin to Havel.* New York: The Free Press, 1992. The author provides an analysis of the development and demise of socialism in the area. This is a good study of twentieth-century nationalism and ethnic passion in Eastern Europe.

Walesa, Lech. *A Way of Hope.* New York: Henry Holt, and Co., 1987. This autobiography of Polish leader Lech Walesa also traces the history of the Solidarity movement that helped bring an end to communist domination. Walesa describes the times of trial in 1981 when martial law was declared and Solidarity was forced underground.

Resources on Holocausts and Genocides

While this category of materials is provided for easy reference, the resources should be used in the context of the topics outlined on the first page of this unit. For example, Wasyl Hryshko's *The Ukrainian Holocaust of 1933* complements studies of Marxist ideologies in practice and influence; Alexander Ramati's *And the Violins Stopped Playing* may be useful for the study of fascist dictatorships.

The Armenian Genocide. Videocassette, 25 minutes. Thousand Oaks, Calif.: Atlantis Productions, 1991. The video begins by showing current human rights violations and relates them to other atrocities throughout history. It shows how small violations may lead to genocide—that is, the extermination of a racial, national, ethnic, or religious group through physical destruction, the prevention of births, or the forcible transfer of children. The video also explains historical events leading up to the Armenian genocide of 1915–1923. The film helps students to better understand the meaning of genocide and to recognize signs of human rights violations that could lead to the repetition of such acts, just as the lack of human rights and democratic principles in the Ottoman Empire made the Armenian genocide possible. The film promotes a discussion of the possible causes for genocide. A teachers' guide is available. For purchasing information, contact Atlantis Productions, 1252 La Granada Drive, Thousand Oaks, CA 91362, (805) 495-2790.

Bardakjian, K. B. *Hitler and the Armenian Genocide.* Special Report Number 3. Cambridge, Mass.: The Zoryan Institute, 1985. "Who, after all, speaks today of the annihilation of the Armenians?" Hitler is said to have posed this question to his military commanders in August, 1939, when proposing his immediate plans for Poland. The author states that his original purpose was to research Hitler's views of the Armenians, particularly his views related to the massacres. However, after tracing the origin and fate of the document containing Hitler's question, the author says this preliminary investigation raises many inadequately explored questions, especially that of Armenian-Turkish-German relations. This report would be a suitable resource for teachers.

Boas, Jacob, Ph.D. *World War Two and the Holocaust.* San Francisco: Holocaust Center of Northern California, 1989. This supplementary textbook, developed and produced by the Holocaust Center of Northern California in three-ring binder format, traces events between World War I and World War II that led to the Nazis' "final solution." Included in the binder is a chronology, glossary, 100 questions about the Holocaust, and black-and-white photographs. The organization's position is that the facts must be known and must be remembered. The center promotes Holocaust-related educational activities in northern California, sponsors public lectures and workshops, facilitates research, and provides an archival library that is open to the public. The Nazis' attempted genocide of the Jews is documented and prepared for distribution as an audiovideo oral-history program and a computerized database. The Center is located at 601 Fourteenth Avenue at Balboa Street, San Francisco, CA, (415) 751-6040.

Chalk, Frank, and Kurt Jonassohn. *The History and Sociology of Genocide.* New Haven, Conn.: Yale University Press, 1990. The selected analyses and case studies provided in this book focus on genocide that has taken place during all periods of history in all regions of the world. Case studies in Part II include "The Nazi Holocaust"; The Armenians in Turkey"; and "The USSR Under Stalin." The author states that there are several incidences of genocide and massacre in the Soviet Union to analyze, but not all are discussed because of the difficulty in acquiring sufficient data. Part III contains bibliographical references for each case.

Dolot, Miron. *Execution by Hunger.* Introduction by Adam Ulam. New York: Norton, 1985. "Ten paces away and our voices cannot be heard. The only one heard is the Kremlin mountaineer, the destroyer of life and the slayer of peasants." This testimony against Stalin of the death of the once peaceful and self-reliant Ukraine cost the Russian poet Mandelstam his life. Within four years, the traditional patterns of village life were destroyed as Stalin and the communists triumphed over the farmers by collectivizing their farms. Famines broke out throughout the Soviet Union. The author deals exclusively with the famine of 1932–1933 in Ukraine.

The Great Famine in Ukraine: The Unknown Holocaust. Edited by Roma Hadzewycz, George B. Zarycky, and Marta Kolomayets. Jersey City, N.J.: *The Ukrainian Weekly*, 1983. By decree, mass murder took the lives of seven million Ukrainians between 1932 and 1933. The editors state that, in an effort to break the will of Ukrainian peasantry in Soviet-occupied Ukraine and to finance rapid industrialization, the Soviet regime under Stalin ordered the expropriation of all food and grain in the hands of the rural population. The result was a tragic famine in which millions died. Eyewitnesses' stories of cruelty, murder, and privation testify to the tragedy.

Hovannisian, Richard G. *The Armenian Holocaust.* Cambridge, Mass.: Armenian Heritage Press, 1980. Incredulity and indignation were the reactions of reports of massacres of the Armenians in Turkey. Allied governments announced publicly that members of the Turkish government, as well as those who participated in the massacres, were personally responsible. "The 'conscience of mankind,'" Hovannisian says, "did not shudder for long . . . expediency frequently prevails over morality in politics." The author quotes George Santayana: "Those who do not remember the past are condemned to relive it."

Hryshko, Wasyl. *The Ukrainian Holocaust of 1933.* Edited and translated by Marco Carynnyk. Toronto, Canada: Bahriany Foundation, 1983. In 1933, the Soviet government's Communist regime artificially created a genocidal famine, accompanied by terror, in a struggle against Ukrainian nationalism. The Communist Party's goal of centralist uniformity led its central government to strike down any potentially threatening forces with different languages, cultures, and religious and national traditions within its union of republics. Communism's ideology and theory made it possible for Soviet rulers to camouflage their genocidal policy so that it would not be obvious to external observers.

Hurwitz, Johanna. *Anne Frank: A Life in Hiding.* New York: Beech Tree, 1988. This is the true story of the teenage girl who wrote the famous diary between

July, 1942, and August, 1944, that chronicled the two years she and her family spent hiding from the Nazis.

Lang, David Marshall, and Christopher J. Walker. *The Armenians.* Report No. 32 (fifth edition). Minority Rights Group. London, U.K.: Benjamin Franklin House, 1981. Lang and Walker state that two generations after the cataclysm of 1915–1918, the scattered Armenians have recovered their poise and sense of national unity. Several political events have provoked the now resurgent Armenians to revive their protest and grievance. The authors believe that the gruesome death of one-third of all Armenians in the world threatens to become a more prominent issue in years to come.

Levin, Nora. *The Holocaust.* New York: Schocken, 1973. Levin has tried to write a history of "the German processing of human beings into matter, their creating unpersons." She has attempted to derive "a physical and spiritual heartland out of a two-thousand-year-old civilization perished forever."

Meltzer, Milton. *Never to Forget: The Jews of the Holocaust.* New York: Harper Trophy, 1976. In Europe, between 1933 and 1945, families were torn apart as mothers, fathers, and children disappeared or were slaughtered by the Nazis. Two out of every three Jews were slaughtered, one-third of the world's Jews. Meltzer believes that the Holocaust established a precedent, that no group on earth can feel safe from that crime in the future, and that the world of Hitler was not totally unlike the world we know today. See also Meltzer's *Rescue, The Story of How Gentiles Saved Jews in the Holocaust.* (New York: Harper Trophy, 1988).

Morgenthau, Henry. *The Murder of a Nation.* Los Angeles: Ararat Press, 1982. An ancestral home, tenaciously defended for over 2,000 years, was lost during 1915 as the first genocide of the twentieth century virtually annihilated the Armenian minority in Turkey. An ancient cultural and religious heritage was disrupted as survivors of the massacres and their descendants scattered throughout the world. The author, who was U.S. ambassador living in Constantinople from 1913 to 1916, has considerable insight into the fears, calculations, and brutalities of the oppressors.

Profile, the Armenian Experience. Cambridge, Mass.: Zoryan Institute for Contemporary Armenian Research and Documentation, 1984. The *Profile* is a short but fascinating presentation of Armenian history, viewpoints, and grievances.

Ramati, Alexander. *And the Violins Stopped Playing.* New York: Franklin Watts, 1986. Ramati tells of the murder of 500,000 Gypsies between November, 1942, and January, 1945, at the same time the Jews were murdered by the Nazis. His book is the story of the life and customs of the Lowland Gypsies and is based closely on suppressed, hardly known historical facts. The book is out of print but is worth seeking for its

evocatively written, painstakingly detailed descriptions recalled shortly after these events had occurred.

Strom, Yale. *Uncertain Roads: Searching for Gypsies.* New York: Four Winds Press, 1993. There is a mystery about the Gypsies, or Rom, as they refer to themselves. This mystery makes many *gaje* (people who are not Rom) wary and suspicious. This attitude contributed to the 1935 Nuremberg Race Law of the Third Reich, which singled out the Rom, along with the Jews, for total annihilation. Illustrated with many excellent color photographs, Strom's book probes the history, heritage, and tribulations of Rom throughout the world. Interviews with contemporary persons enhance Strom's research.

A World of Difference. Los Angeles: The Anti-Defamation League of B'nai B'rth (ADL), n.d. A compendium of 22 lesson plans and instructional ideas, this binder of material is intended to address more than one grade level. The emphasis in on developing students' respect and regard for others' beliefs and backgrounds, in the hope of reducing acts of prejudice or hatred. The materials are not available to teachers unless they have attended a minimum of six hours of staff development conducted by the League. ADL also issues an extensive catalog of print and nonprint teaching materials. Further information may be obtained by contacting regional ADL offices: Sacramento, (916) 489-9141; Los Angeles, (310) 446-8000; and San Diego, (619) 293-3770.

Wytwycky, Bohdan. *The Other Holocaust.* Washington, D.C.: The Novak Report on the New Ethnicity, 1982. In his overview of Nazi atrocities toward Jews and other peoples in Europe, Wytwycky claims that his discussion of many aspects of brutality were limited—as was his coverage of the collaborators—only by lack of space. Virtually everywhere were natives in the occupied lands who, either voluntarily, in return for money or power, or involuntarily, aided and abetted the barbarities. In Part 3, Wytwycky discusses Nazi racism in action toward the Ukrainians, whom Nazi officers referred to as helots, subhumans, and half-monkeys; Gypsies; Poles; and others. The author states an established fact, that the "Nazi program of death was efficient beyond imagination."

Unit VI

Contemporary Issues in the World Today

(See pages 107 of the *History–Social Science Framework.*)

Suggested Time for the Unit: 10 class periods

Topics in Unit VI:	**Suggested Time:**
■ Culmination of an earlier assignment: students' analyses of major social issues, either state, national, or international (see Appendix VI-1 for sample research topics) • Presentation of research papers by students • Discussion of issues from alternative viewpoints; schoolwide consortium in open forums or debates	5 class periods
■ Culmination of projects in participatory democracy	5 class periods

Sample Topic:	**Suggested Time for the Topic:**
The sample lesson describes how both topics may be developed throughout the semester, with the suggested two weeks for Unit VI being used for culminating activities.	10 class periods

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Uses and Significance of the Topic

To a large extent, Unit VI is a culmination of what students have been learning regarding the principles of American democracy. In preparation for it, students are required to apply their knowledge to issues that are relevant to contemporary society, researching and writing papers on topics of their choosing. These papers evolve from an assignment made in midsemester on some unresolved issue of local, state, national, or international importance.

The first topic of Unit VI consists of students' presentations of their papers and related discussions. Participation projects are suggested as counterparts to students' research (i.e., related to the same issues and concurrent with the research project). Teachers are referred to "Culminating the Topic" in Unit I and to the alternative activity in "Culminating the Topic" in Unit IV for options in organizing the research and participation projects for this unit.

Many school districts believe that participation programs work best when they are limited to issues or endeavors in the local community. Service at a senior center, for example, allows students to research issues related to aging, community demographics, government policy, history, and human relations; work at a recycling center can be complemented by research in the promise and problems of recycling as an ecological safeguard; volunteers at a day-care center can investigate issues related to parenting, child development, and social policy. The dovetailing of papers and projects is suggested because it provides some consistency and coordination among assignments. It also allows students to see the sometimes contradictory relationship between theory and practicality. However, the decision to focus on local and state issues or on national and international ones is discretionary.

While students should be encouraged to participate in volunteer projects, volunteerism is an exercise of free will. Therefore, participatory projects should remain voluntary, and teachers should devise alternative assignments for students who choose not to, or are unable to, volunteer. These assignments might include creating a taped oral history, for which students interview persons in the community or the state who have civic responsibilities or who volunteer in civic, social, or political affairs; trailing or "shadowing" a judge and writing a follow-up paper; monitoring a school board or city council; researching the efforts made by civic organizations that rely on voluntary efforts; or researching, surveying, and reporting on a local issue. Examples of pertinent organizations include Rotary, Lions, Soroptimists, and Shriners. The local, regional, or national leaders of such organizations are possible sources for interviews and research. Whatever alternative assignments are devised, they should be germane to the issues of volunteerism, participation, and civic betterment.

Students should consider whether their efforts are best directed to local or world issues. Some people believe that citizens of a nation have a moral obligation to commit themselves to solving problems in other lands or in the world at large. Contrary to this belief is the view stated by Voltaire, "Il faut cultiver notre jardin"—i.e., we must attend to the people and problems in our own backyards.

Recently, some school-fostered participation programs have received negative public criticism. In several notable instances, students had been urged to participate only in programs consistent with the personal political views of their teachers.

One of the cherished hallmarks of a free society is the right to ally oneself with a political cause regardless of its popularity with peers or authorities. The teacher's restraint and impartiality are, therefore, essential when counseling students about participation programs.

In rare instances, it may be necessary to direct students away from causes that are clearly inciteful or explicitly harmful to the values that statutes require public schools to uphold (see the handbook *Moral and Civic Education and Teaching About Religion*, 1991, revised edition, published by the California Department of Education). Such situations are often avoidable when both school policy and teachers set clear objectives for the assignment; when students' temperaments and the points of view of their families have been taken into account; when positive democratic values and rule of law have been emphasized in the assignment; and when local agencies and members of the local community have been apprised of the aims and guidelines of the assignment.

In a well-managed program, students could be permitted to participate in opposing sides of a ballot initiative, for example, or in a volunteer program at a local convalescent hospital but would be prohibited from participating in situations that are potentially harmful or inflammatory, such as crossing picket lines or distributing scurrilous literature. Communities offer so many opportunities for civic betterment that divisive controversies such as these need not become issues.

If school-fostered participation programs are to meet with the approval of a district's constituency, some limitations and discretion will be necessary. Students' efforts must be thoughtfully monitored by teachers and local supervisors. Annual evaluation and regular improvement of the program itself can benefit from the involvement of both school and community personnel.

Presentation and Activities

A

Beginning the Topic

By midsemester, students should have selected an issue they want to investigate. Following a sequence commonly used for research papers, students first state the issue in the form of a question, which they present to the teacher for approval. Students then submit a tentative thesis statement and a working bibliography. Specific time is allocated during the semester for checking and reviewing students' progress. History–social science teachers may work with the language arts teachers to develop a research-paper model, or they may rely on models outlined in writing textbooks. Theodore F. Morse's *Excellence in U.S. History*, listed in the "Resources for the Sample Topic," provides a good formula for a research paper.

Students work independently, gathering data and writing their research papers. Libraries, newspaper offices, and local agencies may be used as resources. After students have completed first drafts, they read and critique each others' papers; they revise papers outside of class.

The teacher reads and critiques submitted papers before beginning the activities in "Developing the Topic." Librarians may also be involved in critiquing papers; the final review may also entail peer assessment by students. Once papers have been reviewed, students present them to the class during the five class periods suggested for "Beginning the Topic."

B

Developing the Topic

Students meet in groups organized according to the similarities of the issues they researched. Within each group, students develop an action plan for dealing with an issue. Students determine the goal they wish to accomplish (e.g., build public awareness, design and build an exercise path, plant flowers and tend gardens in a public park, build birdhouses and feeding stations, lobby for redress on an issue), and they devise a plan to attain the stated goal. For example, if a group of students has chosen an issue related to toxic waste disposal in the local community, they may elect to work with a local environmental project or to assist a councilperson or member of the board of supervisors in working on a campaign to address the issue. When students volunteer to assist established programs, they should document the time they spend. A description of the work accomplished should be signed by each student's immediate supervisor.

If the issue is global rather than local, students may organize a public forum to marshal support for a particular stand. Students assume the task of publicizing the forum and contacting speakers. Students may negotiate with a local newspaper for a student column devoted to a particular national or global issue. Students may also develop a teaching unit based on their research to present to students in middle and elementary schools.

If student research papers center on topics such as health care or national or international economic issues, students may contact the offices of pertinent organizations, congressional representatives, or political candidates as a means of building support for their proposals.

Students are able to devise any number of participation programs that meet local criteria. The purpose of the project is to explore methods of marshaling support for a cause and to illustrate the impact of individual participation.

Possible projects include:

- Addressing the city council on a relevant, thoroughly researched issue
- Making a presentation before the planning commission
- Developing an environmental impact statement
- Addressing service clubs or other community groups to build support for an idea or local program
- Developing a photographic essay illustrating the importance of developing a policy on a particular issue (e.g., the homeless, littering, preservation of historic sites) and arranging a display of the photographs that includes captions, an essay focusing attention on the issue, and a follow-up survey to gauge public reaction
- Developing a videotape program to use in other classes and/or in community groups
- Examining a city's efforts to improve air quality and determining their effectiveness (includes conducting a personal home assessment and reporting on how families in the community are meeting the crisis or contributing to the dilemma)

It is important that students report on and discuss their progress in student groups because group mates often reinforce each others' strengths. If students are uncertain when choosing topics, teachers may suggest projects to suit individual interests (e.g., students with an active interest in photography may want to pursue the photographic essay idea suggested above).

All students should keep activity logs as one means of final assessment of their projects.

C

Culminating the Topic

Working in their respective groups, students critique their projects. The critique should include an outline of the different steps students took to achieve their stated goals. In collaboration with the instructor, students select material to be included in a process portfolio for final assessment.

As a central focus for Unit VI, a schoolwide consortium, open to parents and the community at large, features student projects, presentations, and debates. The projects can also be displayed in the community: in school board offices, libraries, banks, city offices, or elsewhere. Exemplary work is recognized at senior honors assemblies.

Note: The entire sample unit provides good opportunities for portfolio assessment. Students should carefully document steps taken to organize a community service project or other service activities and assemble materials, along with an evaluative essay, for final assessment. The portfolio may include research notes, correspondence, or copies of formal presentation, along with slides or videotapes documenting individual and group activities.

Further ideas on assessment are discussed on pages 10–11 of the pamphlet "Standards of Quality for School-based Service Learning," issued by the Alliance for Service Learning in Education Reform. This concise discussion of service learning is clear and easy to use and suggests practical ideas. Teachers interested in obtaining a copy of the pamphlet should telephone the CalServe office at the California Department of Education, (916) 657-5442.

Resources

The following resources represent only a few of the many possible materials and sources that are available. Double asterisks (**) indicate works that are essential for full coverage of the unit; single asterisks (*) indicate works that are deemed important for successful coverage of the unit. For further selections, teachers should consult other bibliographies, such as

Literature for History–Social Science, Kindergarten Through Grade Eight (Sacramento: California Department of Education, 1991).

Resources for the Sample Topic

California Coalition for Youth Citizenship, Citizenship and Law-Related Education Center, 9738 Lincoln Village Drive, Sacramento, CA 95827, (916) 228-2322. The Coalition is a statewide partnership network providing teachers with training activities and materials that help address service learning. Its newsletter, *CYC Network*, sometimes highlights service learning programs being implemented in California high schools.

CalServe, California Department of Education, 721 Capitol Mall, Sacramento, CA 95814, (916) 657-3115. This is a collaboration of many state offices that seeks to promote youth service to local communities. It has initiated grants to schools for the purpose of developing viable community service programs. Interested teachers and administrators should contact the CalServe office.

Citizen Stories: Democracy and Responsibilities. Videocassette (32 minutes). Close-Up/Smithsonian, 1991. This is the story of five individuals in different parts of the United States who refused to be passive spectators and assumed the roles and responsibilities of active citizens involved in the political process to promote change. The common thread in these personal stories is an affirmation of the belief that democracy demands active participation.

Constitutional Rights Foundation (CRF), 601 S. Kingsley Drive, Los Angeles, CA 90005, (213) 487-5590. Teachers and administrators interested in starting or expanding a youth service program may contact the Foundation for its materials and database of school-based service programs. CRF also comanages Youth Services California (YSCal), an advocacy organization that tries to further the development of multicultural participation in community youth service programs. Its newsletter, *Currents*, is issued three times a year and contains much helpful information. For further information regarding YSCal, contact its offices at (415) 723-3803, Haas Center for Public Service, P.O. Box Q, Stanford, CA 94309.

Democracy and Rights: One Citizen's Challenge. Videocassette (32 minutes). Close-Up/Smithsonian, 1989. Justice Sandra Day O'Connor hosts this video program that features the story of Ernest Green and eight other African-American students who tested their constitutional right to enter Central High School in Little Rock. The focus of the program is citizens' responsibilities to ensure constitutional rights.

First Vote. Videocassette (12 minutes). Washington, D.C.: People for the American Way. The program's focus is the responsibility of voting among young adults. The program features street interviews and teens' opinion.

Frantzich, Stephen E. *Write Your Congressman: Constituent Communication and Representation.* New York: Praeger, 1986. The stated purpose of the book is to analyze strategies of communication between the public and its elected representatives. This practical primer is an excellent resource for teachers.

Morse, Theodore F. *Excellence in U.S. History: Preparing for Advanced Placement.* Independent School Press, 1986. Although marketed as a guide for Advanced Placement classrooms, this text provides an excellent model for a research paper that is useful for all students.

Procter, David, and Mary E. Haas. "Social Studies and School Board Community Service Programs: Teaching the Role of Cooperation and Legitimate Power." *Social Education,* Vol. 57 (November/December 1993). Washington, D.C.: National Council for the Social Studies. This article presents a good balance of theory and practicality and is recommended to all teachers interested in starting community service programs. The authors' discussion of legitimate power is helpful, as are the three tables depicting aspects of activism, involvement, skills, values, concepts, and learning outcomes. Copies of this article are obtainable from the UMI Article Clearinghouse, University Microfilm International, 300 North Zeeb Road, Box 91, Ann Arbor, MI 48106.

"Standards of Quality for School-based Service Learning." Alliance for Service Learning in Education Reform, 1993. This pamphlet is one of the most helpful and motivating resources for schools interested in developing service learning programs. Practical direction, developmental ideas, outcomes, and benefits are clearly presented. Schools may obtain copies of the booklet by telephoning the CalServe Office at the California Department of Education at (916) 657-5442.

Stoskopf, Alan, and Margot Stern Storm. *Choosing to Participate.* Facing History and Ourselves, 1990. This book, presented as an "antidote for student apathy," helps to build citizenship skills through the interweaving of historical readings and case studies with contemporary issues. The text concludes with a variety of options for personal involvement in political and social causes.

Wittenberg, Ernest, and Elisabeth Wittenberg. *How to Win in Washington.* Cambridge, Mass.: Basil Blackwell, 1989. This text explains how Congress works and what moves it to action, such as that may be. The authors use case histories of successful campaigns and interviews with members of congress and lobbyists to explore the machinery that constitutes the legislature's inner workings. The book is a guide to effective strategies for grassroots influence on the legislative branch.

General Resources

Acid Rain: The Invisible Threat. Videocassette (20 minutes). Scott Resources, 1992. This program examines the causes and effects of acid rain. It offers possible solutions and discusses the actions necessary to implement them. The videotape is available from social studies supply houses.

*Adams, Charles. *For Good and Evil: The Impact of Taxes on the Course of Civilization*. New York: Madison Books, 1993. Teachers will find this history of taxes enlightening and provocative. Adams is perhaps the first historian to write about the importance of taxation in world events. "Taxes are the fuel that makes civilization run, but how we tax and spend determines to a large extent whether we are prosperous or poor, free or enslaved, and, most importantly, good or evil." Since tax increases and cuts seem to be sources of perennial controversy, this book could provide helpful background for students researching taxation in relation to such issues as health care or defense.

Avery, Dennis J. *Global Food Progress, 1991*. Indianapolis, Ind.: Hudson Institute, 1991. This is the first report of the Hudson Institute's Center for Global Food Issues. It provides a comprehensive, objective overview of the progress and problems in meeting global food needs, with emphases on Africa, world food trade, and cancer risks in food. It includes numerous tables and charts, along with 14 papers by scholars, policy makers, and food producers representing a wide range of views.

Bartimus, Tad, and Scott McCartney. *Trinity's Children: Living Along America's Nuclear Highway*. New York: Harcourt Brace Jovanovich, 1991. A human story of nuclear testing and its impact on people in the Southwest, the text traces the history of the nuclear weapons industry and illustrates the effects it has had on people in the area.

Benedict, Michael L. *Civil Rights and Civil Liberties*. Washington, D.C.: American Historical Association (AHA), 1987. In this essay, American ideas of civil rights and civil liberties are traced from their roots in English common law, to the abolition of slavery, and through the liberal-conservative political exchanges of the past 100 years. Benedict explains how Americans have attempted to reconcile the conflicts of liberty and government. For purchasing information, contact the AHA at (202) 544-2422.

*Budziszewski, J. *True Tolerance: Liberalism and the Necessity of Judgment*. New Brunswick, N.J.: Transaction Publishers (Rutgers—The State University), 1994. In contemporary thought, *tolerance* has come to be redefined as a synonym for ethical neutrality: refusal to judge among competing views of goods and evils. The result of this extreme relativism has been a foundations crisis in law, politics, education, and other areas of social life. The author shows that tolerance is not only consistent with taking stands about objective goods and evils, but actually requires doing so. He outlines a view of tolerance that assumes a relationship with an older liberal tradition and a codependence with other virtues, including humility, mercy, charity, respect, and courtesy. This book is highly recommended for high schools teachers, serious students, and other educators.

The Center for Media Literacy, 1962 South Shenadoah Street, Los Angeles, CA 90034, (310) 559-2944; FAX (310) 559-9396. Media literacy is the ability to go beyond the surface of media messages and images to analyze and reflect on the underlying assumptions and world views that are a part of programming. Although this type of evaluative thinking is traditionally taught in relation to print materials (e.g., novels, editorials, essays), it is of vital importance in an age dominated by television, video, movies, radio, popular music, and advertising. The "image culture" requires more than mere consciousness of media techniques. The Center for Media and Values publishes a variety of instructional materials (workshop kits) that assist teachers in developing students' media-analysis skills. A few titles available are:

Selling Addiction, designed to help teenagers perceive the myths behind cigarette and alcohol advertising

News for the 90s, which focuses on understanding the motives and the limitations of radio and television news broadcasts

Living in the Image Culture, a "primer" on how mass media influence our ideas, our values, and our uses of time and money

Kits come with a leader's guide, handout masters, and instruction. In addition to kits, the Center issues a quarterly magazine, *Media & Values*. Library and individual subscriptions are available, and the Center's publications catalog is detailed and helpful.

Colonization. Decisions, Decisions series. Computer simulation. Los Angeles, Calif.: Tom Snyder Productions, 1991. The simulation, set in the future, places students in the role of the president of the United States. They are called upon to make decisions regarding financial support for a private company's venture to colonize outer space in order to secure an abundant fuel source. The simulation may involve the entire class or multiple teams.

Deforestation: Exploring Issues. General Learning Videotape (13 minutes), 1991. This is a thought-provoking program that presents different viewpoints on how to deal with the problem of deforestation. The program encourages students to take a stand. The videotape is available from social studies supply houses.

Democracy's Next Generation: A Study of Youth and Teachers. Washington, D.C.: People for the American Way, 1989. Interviews of students questioned about community involvement and volunteer service form the basis for this book of recommendations regarding citizenship education. Despite the 1989 publication date, much of the information and many of the suggestions in this book are still pertinent.

Dwyer, Augusta. *Into the Amazon: The Struggle for the Rain Forest*. San Francisco, Calif.: The Sierra Club, 1990.

This is a passionate plea to save the rain forests of the Amazon. It is a personal narrative of individuals involved in the environmental struggle, including Chico Mendes, who, prior to his murder in 1988, aroused the conscience of the world about the destruction of the Brazilian rain forest. The book is an indictment of Brazil's neglect and the world's complacency.

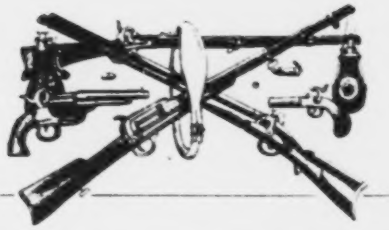
Dye, Thomas R., and Harmon Zeigler. *The Irony of Democracy: An Uncommon Introduction to American Politics* (Ninth edition). Belmont, Calif.: Wadsworth, 1993. The authors add to the growing discussion of encroaching elitism or oligarchy in American political life. The book is an aid to serious students and teachers in understanding why current U.S. government works the way it does. "Each reader is free to decide whether we as a society should preserve, reform, or restructure the political system described in these pages." Intended as a college text, the book serves as an initiation to some current reform debates. See also entries for *The New American Political System* and Hellinger in this "General Resources."

The Earth Care Annual, 1992. Edited by Russell Wild. Emmaus, Penn.: Rodale Press, 1992. A collection of short, readable articles from newspapers and magazines on the current state of the environment, this is an excellent student reference book.

Evans, G. Russell. *The Panama Canal Treaties Swindle: Consent to Disaster*. San Francisco, Calif.: Fulton Hall Publishing, 1994. According to a report in Panama City's newspaper *El Siglo*, officials in Washington have proposed retaining four U.S. military bases in the Panama region on a permanent basis because of Panama's political and economic volatility, its weakened leadership, and its 40 percent poverty rate. Further, many of the canal's facilities are in disarray or deterioration. Evans, a retired Coast Guard captain, builds a case for renegotiating the 1977 canal transfer treaties. Students can research the reasons for the geopolitical sensitivity of Panama through the history of the famed canal and its importance to world trade, transportation, and the economic welfare of Panama itself. Treaty renegotiations could serve as a topic for classroom debate as the century nears the transfer-completion date of December 31, 1999. For purchasing information, telephone the publisher at (415) 664-2489.

"Facts on File News Digest, CD-ROM." Facts on File, 1989. An excellent tool for research, this database provides students with a ready access to nearly a half-million articles from *Facts on File News Digest*.

**Fiffer, Steve, and Sharon Sloan Fiffer. *50 Ways to Help Your Community: A Handbook for Change*. New York: Doubleday, 1994. The authors introduce readers not only to the title's 50 ways to help a community but also to 50 individuals and groups who have turned their altruistic desires into dynamic acts of giving. Written in a warm, engaging style, this handbook describes projects



that will appeal to readers with a wide range of skills and interests—from planting trees to teaching latchkey children; from transporting senior citizens to medical appointments to starting, as the authors themselves did, a Book and Breakfast club for needy elementary students.

**Global Resources—Opposing Viewpoints*. San Diego, Calif.: Greenhaven Press, 1991. This text in the *Opposing Viewpoints* series covers topics from the scarcity of global resources to preservation of the rain forests. This excellent student resource is a comprehensive evaluation of environmental issues from different perspectives.

Gore, Albert, Jr. *Earth in the Balance*. Boston, Mass.: Houghton Mifflin, 1992. Gore sounds an alarm for environmental urgency and the need for change, for what he calls a "Global Marshall Plan." In Gore's view, our dysfunctional civilization, given to denial and abuse of nature, has at least begun to notice the vanishing rain forests and the globe's other environmental adversities. See also the Ray entry in this section.

Gottfried, Ted. *Gun Control: Public Safety and the Right to Bear Arms*. Brookfield, Conn.: The Millbrook Press, 1993. One of the publisher's *Issue and Debate* series, Gottfried's work draws from document reports, interviews with youths and adults, and personal experience. The author takes an open-ended approach, encouraging students to debate the issue and arrive at their own conclusions; but he points out that somehow the issue must be addressed. Especially helpful is the author's summary of historical background, a chronological table of key dates, and a list of organizations to contact. See also the Halbrook entry in this section.

Halbrook, Stephen P. *A Right to Bear Arms: State and Federal Bills of Rights and Constitutional Guarantees*. New York: Greenwood Press, 1989. One of the publisher's *Contributions in Political Science* series, this book is useful for students researching different viewpoints on gun control and the meaning of the Second Amendment. He also wrote *That Every Man Be Armed: The Evolution of a Constitutional Right* (Oakland, Calif.: The Independent Institute). Halbrook is perhaps the leading advocate for the right of individual citizens to possess firearms, and these two works are important references for his side of the argument. See also the Gottfried entry in this section.

Hellinger, David, and Dennis R. Judd. *The Democratic Facade* (Second edition). Belmont, Calif.: Wadsworth, 1994. Is the U.S. still a democracy or is it developing into an oligarchy? The question troubles both liberals and conservatives, though each camp offers opposing solutions. This book constitutes a salvo from the left; the authors advocate the policies of Bill Clinton as a means of eliminating the undesirable "legitimizing" of certain powers. The authors' critiques are certain to provoke warm controversy on several points. For enlarging the context of debate, see also the entries for Dye and

The New American Political System in this "General Resources."

Hersh, Seymour. *The Samson Option: Israel's Nuclear Arsenal and American Foreign Policy*. New York: Random House, 1991. This is an account of Israel's clandestine development of atomic weapons and the blind eye of American presidents. Hersh warns of a nuclear confrontation in the Middle East.

An Introduction to Global Warming. Macintosh Plus program. Apple Computer and SPICE. This HyperCard stack contains maps, statistics, charts, and graphs to introduce students to the topic of global warming. The program may be obtained from SPICE, Littlefield Center, Room 14, Stanford University, Stanford, CA 94305-5013.

Island Press Environmental Sourcebook. Washington, D.C.: Center for Resource Economics/Island Press, annual dates. Island Press is one the leading providers of practical information for those working to solve environmental problems. The sourcebook is actually a catalog of high-quality publications produced or distributed by this non-profit, independent publisher. Topics include biodiversity, ecosystem management, wildlife, environmental health, and related cultural and sociological concerns. A few of the more recent publications of interest to serious students are: *Beyond the Beauty Stripe: Saving What's Left of Our Forests*, by Mitch Lansky; *Restoring the Nation's Marine Environment*, edited by Gordon W. Thayer; *Taking Out the Trash: A No-Nonsense Guide to Recycling*, by Jennifer Carless; *Preserving Family Lands: Essential Tax Strategies for the Landowner*, by Stephen J. Small; and *How to Save Your Neighborhood, City, or Town: The Sierra Club Guide to Community Organizing*, by Maritza Pick. Interested teachers and librarians should telephone the Center at (202) 232-7933.

Kemper, Vicki, and Viveca Novak. "What's Blocking Health Care Reform?" *Common Cause*, Vol. 18 (January, February, March, 1992), pp. 8–13, 25. The authors provide their perspectives on the health care issue. The article is an indictment of the politicians who are indebted to the medical industry lobby.

Kushner, Kathy Harkness. *Energy, Economy, and Environment: A Balanced Policy for the 1990s*. Indianapolis, Ind.: Hudson Institute, 1992. The author describes contradictions and debunks purported myths of environmental bureaucratic planning. She proposes a policy that she believes is helpful to both the economy and the environment. Kushner's essay is recommended for students studying this timely topic from differing perspectives.

Lichter, S. Robert, Stanley Rothman, and Linda S. Lichter. *The Media Elite: America's New Pawnbrokers*. New York: Hastings House, 1986. The authors report on their study of 240 journalists: they discuss their backgrounds, habits, and attitudes on social issues showing how these directly affect television programming. Purchasing information is available by telephoning (212) 727-7114. Also recommended is the authors' *Watching America*, a sociological examination of American values and controlling ideas as promoted on television (Prentice Hall Press, 1991).

**Lure and Loathing: Essays on Race, Identity, and the Ambivalence of Assimilation.* Edited by Gerald Early. New York: Viking Penguin (Allen Lane), 1993. Several distinguished African-American scholars, journalists, and other writers respond to W. E. B. DuBois's appraisal of the African-American experience, which he discussed most notably in the classic *The Souls of Black Folk.* Perspectives range from vituperative to hopeful. This is an indispensable collection for examining contemporary civil rights efforts and cultural issues.

The New American Political System (Second version). Edited by Anthony King. Washington, D.C.: The AEI Press, 1990. How does America's political system work today? The old landmarks are still in place, but dramatic changes and subtle shifts have taken place that have altered American politics. Ten distinguished political scientists discuss the new patterns of power and influence: media, rival cultures, interest groups, the electorate, political parties, the courts, federalism, and branches of government. Current dilemmas are well researched, and emerging trends are elucidated. This collection of conservative writings is a good foil for the Hellinger and Dye entries for this unit.

Olasky, Marvin. *The Tragedy of American Compassion.* Washington, D.C.: Regnery Gateway, 1992. The major flaw of the modern welfare state, according to Olasky, is not that it is extravagant with money, but that it is stingy with the help that only a person can give: love, time, care, and hope. Olasky recounts that, in the early 1900s, charity was dispensed only to the poor with actual need and willingness to work, by men and women who gave not only physical assistance but also moral and spiritual help. Records indicate that the system lifted thousands from pauperism to independence. This is one more resource for students researching the topic of welfare reform.

O'Neill, Michael J. *The Roar of the Crowd: How Television and People Power Are Changing the World.* New York: Times Books (Random House), 1993. The speed of mass communications has given ordinary men and women access to the transmission belts of power, and, says O'Neill, "[is] reshaping the contours of political discourse" and altering the process of political change. Through the daily avalanche of images of prosperity glimpsed through television, the escalation of desire and the inflation of hope have stimulated movements of revolt and democracy the world over.

"Planet of the Year," *Time Magazine*, January 2, 1989. The entire issue is de-

voted to environmental problems, proposed solutions, and world debates.

Ray, Dixy Lee. *Environmental Overkill: Whatever Happened to Common Sense?* Washington, D.C.: Regnery Gateway, 1993. In the summer of 1992, Ray wrote a scathing and controversial exposition of popular environmental theories and policies titled *Trashing the Planet*. The book set off a tempest of debate and acrimony. Undaunted, the author here continues her campaign, citing unpleasant evidence that pseudo-science has dictated some major environmental decisions. She discusses the Heidelberg Appeal, signed by 250 leading scientists, including 27 Nobel laureates, which calls for leaders not to base major political decisions on unproven scientific hypotheses. Ray's books are suggested as foils for such works as Vice President Al Gore's *Earth in the Balance* when students study opposing views on this controversial issue.

Repetto, Robert. *World Enough and Time: Successful Strategies for Resource Management*. New Haven, Conn.: Yale University Press, 1986. This book tackles the challenge of improving global living standards and promoting economic growth without depleting natural resources and protecting the environment. Repetto's blueprint identifies policy initiatives and proposes ways in which to attain goals.

Romm, Joseph J. *The Once and Future Superpower: How to Restore America's, Economic, Energy, and Environmental Security*. New York: William Morrow, 1992. Romm presents strategies to channel America's resources from waging a cold war to battling environmental problems.

Schorr, Lisbeth, and Daniel Schorr. *Within Our Reach: Breaking the Cycle of Disadvantage*. New York: Anchor Books (Doubleday), 1989. The authors challenge us to think about how and why certain interventions successfully break the cycle of disadvantage caused by poverty, class subordination, and racial isolation. Highlighted in the book are concrete examples of programs that have beneficially shaped the lives of poor children.

Searching for Alternatives: Drug Control Policy in the United States. Edited by Melvyn B. Krauss and Edward P. Lazear. Stanford, Calif.: Hoover Institution Press, 1993. Featuring 25 essays plus discussions, this work is a thoughtful study of the debate between those who would legalize drugs and those who support continued drug prohibition. Authors include Nobel prizewinners, representatives of the American Civil Liberties Union, and former members of the presidential cabinet. Historical, legal, sociological, medical, economic, and international perspectives are included. The book is available in paperback.

Simon, Julian L. *Population Matters: People, Resources, Environment, and Immigration*. New Brunswick, N.J.: Transaction Books (Rutgers—The State University), 1990. Simon presents a collection of essays which argue that raw materials and energy are getting less scarce, the world's food supply is im-

proving, pollution in the U.S. is decreasing, and that population growth has long-term benefits.

Shanahan, John. *A Guide to the Global Warming Theory*. Backgrounder No. 896, May 21, 1992. Washington, D.C.: Heritage Foundation, 1992. This thorough analysis of the global-warming issue is characterized by probing questions and reserved skepticism. For purchasing information, contact the publisher at (202) 546-4400.

Singer, Max. *Passage to a Human World*. Indianapolis, Ind.: Hudson Institute, 1988. In economic and human terms, Singer outlines what the world may be like 40–80 years from now. He states the rationale for his belief that today's static view of development is dangerously wrong.

Spaceship Earth: Our Global Environment. Videocassette (25 minutes). Worldlink, 1990. This program discusses three primary environmental issues facing the world: deforestation, global warming, and ozone depletion. The video is available from social studies supply houses.

Strausz-Hupé, Robert. *Democracy and American Foreign Policy: Reflections on the Legacy of Tocqueville*. New Brunswick, N.J.: Transaction Books (Rutgers—The State University), 1994. Since World War I, the United States has pursued the defense of Western civilization as a critical element of its own national interest. In his provocative reconsideration of that goal, Strausz-Hupé examines popular and paradoxical attitudes that often undermine Washington's ability to defend American and Western interests, attitudes toward society and the state, politics and government, and instruments of foreign policy and the people who wield them. As the backdrop for his analysis, Strausz-Hupé employs the wisdom of Alexis de Tocqueville's *Democracy in America*, reiterating Tocqueville's finding that the driving force of American life is its passion for equality and democracy. Strausz-Hupé asserts that "the foreign policy of the United States cannot be other than the defense of democracy everywhere," a proposition that states only a problem, not an answer. The answer, Strausz-Hupé concludes, lies in a universal federation of democratic states. This controversial book suggested for reading by teachers is yet another example of Tocqueville's enduring influence.

Taking the Environment Seriously. Edited by Roger E. Meiners and Bruce Yandle. Savage, Md.: Rowman and Littlefield, 1993. By 2000, the EPA estimates, environmental initiatives will consume nearly 3 percent of the annual GNP. Despite this, there is increasing dissatisfaction with current environmental policy; gains are marginal, and "green policies" are increasingly measured by their inputs, not ecological impact. This collection of essays presents an overview of today's policies, a critique of cost and effect, and suggestions on using property rights to protect fisheries and local water quality. Though somewhat academic, the essays are timely and thoughtful and add another strong point of discussion to the environmental debate.

Turshan, Meredith. *The Politics of Public Health*. New Brunswick, N.J.: Rutgers University Press, 1989. A critique of conventional public health and medical care, this text is devoted to, among other things, women's health, equity, preventive medicine, and AIDS. Turshan presents several case histories of preventive medicine.

The UN: In or Out? A Debate Between Ernest van der Haag and John P. Conrad. New York: Plenum Press, 1987. This is a good, one-volume reference for the pros and cons of U.S. involvement in the United Nations, an old issue but an ongoing one just the same.

The Unfinished Agenda: The Citizen's Policy Guide to Environmental Issues. Edited by Gerald O. Barney. New York: Thomas Y. Crowell, 1977. This book, a compilation of writings of 63 leading environmentalists, identifies and describes major problems facing the environment. The environmentalists propose recommendations to meet the immediate and long-term challenges facing the environment. Issues include population stabilization, the use of chemical fertilizers, land management, and control of toxic substances.

**World in Conflict* series. San Diego, Calif.: Lucent Books, various dates. This series examines worldwide political events, such as the reunification of Germany, and adequately reflects topics pertinent to this unit and the tenth grade course. Lucent Books continues to develop noteworthy series of nonfiction books.

**World Resources, 1992-93: A Guide to the Global Environment*. New York: Oxford University Press, 1992. This excellent sourcebook on environmental issues was produced by the World Resources Institute in collaboration with the United Nations Environment and Development programs. It is a complete guide to contemporary environmental problems and issues.

Resources on César Chavez and the United Farm Workers

Bardacke, Frank. "César's Ghost: The Decline and Fall of the UFW," *The Nation*, July 26/August 2, 1993. Bardacke attended César Chavez's funeral but did not see a single button or sign extolling farmworker power. According to the author, once the United Farm Workers (UFW) became a fund-raising operation, Aristeo Zambrano, who strived for secondary leadership within the ranks, observed: "Chavez built the union and then he destroyed it. The UFW self-destructed. When the Republicans came back in the 1980s and the growers moved against the union, there wasn't any farmworker movement left."

Cedeño, Maria E. *César Chavez*. Brookfield, Conn.: The Millbrook Press, 1993. A fight for survival plagued workers picking crops in farmers' fields;

at the end of an exhausting day of toil, earning little money, they moved on to another field in another town. César Chavez, the leader of the United Farm Workers Organizing Committee, advanced the cause of the farmworkers by calling attention to their conditions through his fast. Little by little the migrant workers won some of their rights. This book is easy reading for high school students.

César Chavez. *Hispanics of Achievement* series. Introduction by Rodolfo Cardona. Broomall, Penn.: Chelsea House, 1991. This biography views Chavez in a sympathetic light, honoring his struggles and achievements. The book contains a biographical chronology and many photographs and is easy to read.

Navarette, Ruben, Jr. *A Darker Shade of Crimson: The Odyssey of a Harvard Chicano*. New York: Bantam Books, 1993. Navarette writes a compelling autobiography that memorably depicts the search for achievement, education, and identity. He refers to his family and his background in Sanger, California, as "mooring posts" in his life. Chapter 10 (especially pages 225–228) relates his insights about César Chavez and recounts an unpleasant encounter with the great labor leader and with the daughter of Robert Kennedy. This is an honest work, with moments of *coraje*.

Rodriguez, Richard. *Hunger of Memory: The Education of Richard Rodriguez*. New York: Bantam, 1992. This splendidly wrought memoir contains passages pertaining to Chavez. Rodriguez examines the labor issue, explaining what Chavez represents as an ethnically oriented cultural figure.

Informational Institutes and Foundations

Elected officials and other policy makers often rely on organizations whose purpose is to amass information and formulate positions on current issues. Informally termed "think tanks," these centers often staff highly qualified researchers whose essays, books, and briefings sometimes provide more information or discussion than is typically found in popular news magazines. Such foundations gain reputations for their liberal, centrist, or conservative viewpoints. Since historical and contemporary topics figure prominently in their publications, these institutes offer excellent materials for students researching current issues from different perspectives.

Below is a list of some of the current foundations devoted to research and policy formation. Teachers and librarians are encouraged to request publication catalogs from these firms and to make selective purchases on a regular basis. Students should learn how to research an issue in a spirit of open inquiry, to weigh opposing viewpoints, and to draw conclusions on the basis of their research.

The descriptions of the foundations as "liberal," "conservative," or "centrist" in viewpoint are general, not definitive, and are based on opinions of journalists in popular newspapers and magazines. Only through reading and study can students gain an accurate understanding of a foundation's policies and positions. Support for school choice, for example, is popularly perceived as a conservative stand, yet shades of gray are discernible in the essays on this subject published by different institutes; positions regarding the North American Free Trade Agreement are similarly variegated. In contrast, such issues as budget priorities, degrees of federal intervention, and environmental regulation tend to distinguish liberals from conservatives more noticeably. Regardless of the label, when students study an issue using publications from diverse institutes, they gain a stronger understanding of opposing ideas.

American Civil Liberties Union, 132 West 43rd Street, New York, NY 10036, (212) 944-9800. A long-established bulwark for liberal causes, the ACLU is widely known, respected, and disputed for its efforts in litigation, legislation, and education. A newsletter, *Alert*, is produced by the ACLU's Washington office (122 Maryland Avenue, NE, Washington, DC 20002). Publications include:

- *The Case Against the Death Penalty*
- *Detention of Undocumented Aliens: Action by the INS prior to Adoption of the Immigration Reform and Control Act of 1986*
- *Ending the Cold War at Home: An ACLU Public Policy Report*
- *A Federal Right of Information Privacy: The Need for Reform*

The American Enterprise Institute for Public Policy Research, 1150 17th Street, NW, Washington, DC 20036, (202) 862-5800. Founded in 1943, the Institute's research aims to "preserve and strengthen the foundation of a free society—limited government, competitive private enterprise, vital cultural and political institutions, and vigilant defense—through rigorous inquiry, debate, and writing." In addition to resident scholars, such figures as George F. Will, Michael Medved, Jeane Kirkpatrick, and Dick Cheney participate in the institute's events. An extensive catalog of publications includes:

- *Balancing Act: Debts, Deficits, and Taxes*, edited by John H. Makin, Norman J. Ornstein, and David Zlowe
- *The Great Savings and Loan Debacle*, by James R. Barth
- *Health Policy Reforms: Competition and Controls*, edited by Robert B. Helms

The Brookings Institution, 1775 Massachusetts Avenue, NW, Washington, DC 20036 (800) 275-1447. This well-known and respected think tank publishes numerous materials on contemporary problems, both domestic and international. The Institute's catalogue lists a wealth of titles written by noted experts; materials are helpful to students researching complex issues for this unit. Some examples include:

- *Balkan Tragedy: Chaos and Dissolution After the Cold War,* by Susan L. Woodward
- *Beyond the Wall: Germany's Road to Unification,* by Elizabeth Pond
- *The Challenges of Famine Relief: Emergency Operations in the Sudan,* by Frances M. Deng and Larry Minear
- *Japan's New Global Role,* by Edward J. Lincoln
- *Live from Capitol Hill! Studies of Congress and the Media,* by Stephen Hess
- *Manufacturing on the Move,* by Robert W. Crandall
- *Rights at Work: Employment Relations in the Post-Union Era,* by Richard Edwards
- *Verdict: Assessing the Civil Jury System,* edited by Robert Litan

Special-purchase options are available for libraries. Occasional papers on single issues are sometimes available. The Institution's catalog contains detailed explanations of available titles.

Cato Institution, 224 Second Street, SE, Washington, DC 20003, (202) 842-0200. A burgeoning publications effort is one of the notable characteristics of this organization, which is devoted to a school of thought known as "free-market libertarianism." Among its provocative titles:

- *Africa Betrayed,* by George B. N. Ayittey
- *Market Liberalism: A Paradigm for the Twenty-first Century,* edited by David Boaz and Edward H. Crane
- *Quagmire: America in the Middle East,* by Leon T. Hadar
- *Reclaiming the Mainstream: Individualist Feminism Rediscovered,* by Joan Kennedy Taylor
- *Sound and Fury: The Science and Politics of Global Warming,* by Patrick J. Michaels
- *What Has Government Done to Our Health Care?* by Terree P. Wasley

The Institute also issues a bimonthly policy report as well as policy analysis papers devoted to single issues.

The Claremont Institute for the Study of Statesmanship and Political Philosophy, 250 West First Street, Suite 330-342, Claremont, CA 91711, (714) 621-6825. Founded in 1979, this influential organization promotes the philosophy of natural law, with a special emphasis on constitutional issues and original principles. Its quarterly, *Principles,* is devoted especially to issues relating to history–social science. Generally regarded as conservative, its publications also include works on more recent issues, such as immigration and environmental studies. A catalog and brochures explain the aims of the institute more fully. Some publications are:

- *California's Health Care Reform Proposals.* by Lance T. Izumi
- *How California Can Lead the Way Against Illegal Immigration.* by Lance T. Izumi and Alan Nilson
- *Korea in the 1990s: Prospects for Unification.* edited by Steven W. Mosher
- *Moral Ideas for America.* edited by Larry P. Arnn and Douglas A. Jeffrey
- *On the Front Line of the Culture Wars: Recent Attacks on the Boy Scouts of America.* by William A. Donahue
- *Reform of the Endangered Species Act.* by Michael S. Greve
- "Workfare: The Final Solution to Poverty?" by D. R. Blackmon

Economic Policy Institute. 1730 Rhode Island Avenue. NW. #200. Washington. DC 20038. (202) 775-8810. Founded in 1986 by economic policy experts Barry Bluestone. Robert Kuttner. Lester Thuron. and others. EPI strives to encourage scholarship on economic issues. analyze pressing problems. and propose new policies. EPI stances are usually considered to be liberal. somewhat opposed to "new Democrat" ideas. Books written or edited by EPI staff are published by M. E. Sharpe. Inc.. 80 Business Park Drive. Armonk. NY 10504. Representative publications include:

- *Does America Need Cities? An Urban Investment Strategy for National Prosperity.* by Joseph Persky. Elliott Sclar. and Wim Wiewel
- *Economic Nationalism and the Future of American Politics.* by Ruy A. Teizeira and Guy Molyneux
- *The Failed Case of NAFTA.* by Jeff Faux
- *The Labor Side Accord to the North American Free Trade Agreement: An Endorsement of Abuse of Worker Rights in Mexico.* by Jerome I. Levinson
- *A National Policy for Workplace Training: Lessons from State and Local Experiments.* by Rosemary Batt and Paul Osterman
- *School Choice: Examining the Evidence.* edited by Edith Rasell and Richard Rothstein

Ethics and Public Policy Center. 1015 Fifteenth Street. NW. Suite 900. Washington. DC 20005. (202) 682-1200. Established in 1976. the Center states that its central goal is to "clarify and reinforce the bond between the Judeo-Christian moral tradition and the public debate over domestic and foreign policy issues" and to affirm "the political relevance of the great Western ethical imperatives—respect for the dignity of every person. individual freedom and responsibility. justice. the rule of law. and limited government." Jeane Kirkpatrick. Lech Walesa. and Edward Teller are among the Center's honorees. Publications stress the moral aspects of contemporary issues. Representative titles include:

- *Education and the Public Trust: The Imperative for Common Purposes*, by Edwin J. Delattre
- *Might and Right After the Cold War: Can Foreign Policy Be Moral?*, edited by Michael Cromartie
- *Points of Light: New Approaches to Ending Welfare Dependency*, edited by Tamar Ann Mehuron
- *Racial Preference and Racial Justice: The Affirmative Action Controversy*, edited by Russel Nieli
- *Religious Liberty in the Supreme Court: The Cases That Define the Debate Over Church and State*, edited by Jerry Eastland

The Center also publishes three briefing bulletins on various themes.

Foreign Policy Association (FPA), 729 Seventh Avenue, NY, New York 10019, (212) 764-4050. Founded in 1918, the FPA is a private, nonprofit organization that works to stimulate an informed, thoughtful public opinion on foreign policy issues facing the United States. The Association states that it aims to be impartial in its coverage of issues. *Great Decisions*, FPA's annual publication, is issued each January and provides background on eight vital foreign policy issues; the articles may be used by any serious reader for discussion information, class reading, or lectures. FPA's *HEADLINES* series consists of succinct background essays, each devoted to a particular topic. Activity booklets for high school teachers, the *UPDATE* series, and other publications are available. Teachers and librarians should request a publications catalog.

The Henry L. Stimson Center, 21 DuPont Circle, Fifth Floor, Washington, DC 20036, (202) 223-5956. The Stimson Center, described as a nonpartisan institution, concentrates on particularly difficult national and international security issues in which policy, technology, and politics intersect. The Center's writers assess the sources and consequences of international conflict, as well as the tools needed to build national security and international peace. Arms control, preventive diplomacy, confidence-building measures, and defense policies are among areas of focus. A booklet produced by the Center details current projects. Publications include occasional papers, reports, conference reports, and books. Books by fellows of the Center are available from St. Martin's Press. A sampling of available materials includes:

- *The American Military in the Twenty-first Century*, by Barry Blechman and others (book)
- *Argentina-Brazil and India-Pakistan: Stepping Back from the Nuclear Threshold* (Paper #15)
- *Does the Arms Control and Disarmament Agency Have a Future? Thoughts of the Agency's Former Directors* (Paper #8)
- *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis*, by William J. Durch, and others (book)

- *A Handbook of Confidence-Building Measures for Regional Security* (Handbook #1)
- *Setting Goals, Setting Limits: Toward an American Technology Strategy* (book)

The Heritage Foundation, 214 Massachusetts Avenue, NE, Washington DC 20002-4999. The Heritage Foundation is one of the leading conservative policy research institutes. Its catalog of publications comprises a wide variety of materials, including general information booklets, such as the *U.S. and Africa Statistical Handbook* and the *U.S. and Asia Statistical Handbook*, which have been used by embassies, the Peace Corps, and the Department of State. Articles on environmental and other issues include:

- *Critical Issues*: "A National Health System for America," edited by Stuart M. Butler and Edmond F. Haeslmaier
- *Critical Issues*: "How Privatization Can Solve America's Infrastructure Crises," edited by Edward L. Hudgins and Ronald D. Utt
- "A Guide to Global Warming Theory," by John Shanahan (B#896)
- *Heritage Lectures*: "The North American Free Trade Agreement: Spurring Prosperity and Stability in the Americas," edited by Michael G. Wilson and Wesley R. Smith
- "How to Help the Environment Without Destroying Jobs," by John Shanahan (CM #14)
- "Little Green Lies: The Environmental Miseducation of America's Children," by Jonathan Adler (PR #61)
- *Mexico Watch*, a monthly briefing paper
- "Poplar Front: The Rebirth of America's Forests," by Jonathan Adler (PR #64)
- "What Happened to the Greenhouse Effect?" by Robert Jastron (HL #415)

Library discounts are available for special packages of publications, including *Policy Review*, Heritage's principal journal. Contact the Foundation at (800) 544-4843, or FAX at (202) 546-8328, for purchasing information or for requesting a publication catalogue.

Hoover Institution Press, Stanford University, Stanford, CA 94305-6010, (415) 723-3373. Founded in 1919 by future president Herbert Hoover, the institution bearing his name has long been a repository of vital and rare documents and primary sources on world affairs. Hoover policies are reputed to be conservative. Many of the Institution's scholars are of international renown, and the Press's catalogue lists many titles of general interest. Books include such works as *The Azerbaijani Turks: Power and Identity Under Russian Rule*, by Audrey Alstadt, which makes extensive use of the Azerbaijan State Historical Archives; *China and Japan: New Economic Diplomacy*, by Chae-Jim Lee; and *Our Finest Hour: Will Clayton, the Marshall Plan, and the Triumph of Democracy*, by

Gregory A. Fossedal. Public policy essays include, among others:

- "Changing Course: The Capitalist Revolution in Argentina," by William Ratliff and Roger Fontaine
- "Eastern Europe: The Great Transformation, 1985–1992," by Peter Duignan and L. H. Gann
- "The Entrepreneur as the Mainspring of Economic Growth," by Scott S. Powell
- "Federal Budget Deficits: What's Wrong with the Congressional Process," by John F. Cogan
- "The New World Order: War, Peace, and Military Preparedness," by Thomas H. Henriksen
- "Privatization Now or Else: The Impending Failure of Democracy and Freedom in Central Europe," by Thomas Moore

The Hoover Institution Press also maintains three continuing series, each with its own emphasis: archival documentaries; change in the republic of China; and studies of nationalities.

Hudson Institute, Herman Kahn Center, 5395 Emerson Way, P.O. Box 26-919, Indianapolis IN 46226, (317) 545-1000. The stated mission of this research organization is to conduct independent research studies and provide objective, innovative analyses on a wide range of policy issues. Though there is no particular "Hudson" point of view, journalists often regard Hudson's perspectives as centrist. Publications lists include current and past works. In addition to publications cited elsewhere in these course models, sample titles available include:

- *The Catastrophe Ahead: AIDS and the Case for a New Policy*, by William B. Johnston and Kevin R. Hopkins
- *Education Reform in the 90s (1992)*, prepared jointly by the Hudson Institute and the Educational Excellence Network
- *Taking Charge: State Action on School Reform in the 1980s*, by Denis P. Doyle, Bruce S. Cooper, and Roberta Trachtman and various briefing papers on specific issues
- *Workforce 2000*, by William B. Johnston and Arnold H. Packer

Hudson also issues the monthly *Hudson Opinion*, the quarterly *Hudson Institute Report*, and various briefing papers on specific issues.

Institute for Policy Studies, 1601 Connecticut Avenue, NW, No. 500, Washington, DC 20009. Founded in 1963, IPS explores alternative directions regarding security, economic justice, and grassroots political participation. The Institute strives to serve as a catalyst for political debate and social change, and its views are considered to be liberal. A publications list is available and includes such titles as:

- *Conditions of Peace: An Inquiry*, edited by Michael Shuman and Julia Sweig
- "The Logic of Disarmament: A Briefing Paper," by Gar Alperovitz and Kai Bird

- "National Interest and Global Realities," by Richard Barnet and John Cavanagh
- "National Security and the War on Drugs in the Americas," by Peter Andreas and Eva Bertream
- *Trading Freedom: How Free Trade Affects Our Lives, Work, and Environment,* edited by John Cavanagh, John Gersham, Karen Baker, and others

Joint Center for Political and Economic Studies, 1090 Vermont Avenue, NW, Suite 1100, Washington, DC 20005-4961, (202) 789-3500. For more than 20 years, the Center has endeavored to improve the socioeconomic status of black Americans through research, forums, programs, and publications. Forums have included such well-known journalists as Jack Germond, Clarence Page, and Juan Williams. Usually liberal in viewpoint, the Center produces the monthly magazine *Focus*. Its other publications include:

- *Banking on Black Enterprise: The Potential of Emerging Firms for Revitalizing Urban Economics,* by Timothy Bates
- *Black Initiative and Governmental Responsibility,* with introductory essays by John Hope Franklin and Eleanor Holmes Norton
- *Considering Japan: How Black Americans View the Japanese,* by Paige L. Cottingham and Milton Morris
- *The Declining Economic Status of Black Children: Examining the Changes,* by Cynthia Rexroat
- *Who Defends America? Race, Sex, and Class in the Armed Forces,* edited by Edwin Dorn

The Manhattan Institute for Policy Research, 52 Vanderbilt Avenue, New York, NY 10017, (212) 599-7000. This organization, conservative in viewpoint, is perhaps best known for its books, in particular, Charles Murray's *Losing Ground: American Social Policy, 1950–1980* (which has influenced the current debate over welfare reform) and Myron Magnet's *The Dream and the Nightmare: The Sixties to the Underclass. City Journal,* an urban affairs quarterly, is published under the Institute's auspices. Various operating units of the Institute devote efforts toward public school restructuring, civil justice reform, quality of urban life, and debates over immigration and common culture. The publications catalog lists books published by other publishers as well as the institute, such as:

- *Health, Lifestyle & Environment: Countering the Panic* (Manhattan)
- *The Litigation Explosion: What Happened When America Unleashed the Lawsuit,* by Walter K. Olson (Penguin)
- *New Americans: An Oral History,* by Al Santoli (Ballantine)
- *Phantom Risk: Scientific Inference and the Law,* edited by Kenneth R. Foster, David E. Bernstein, and Peter W. Huber (MIT Press)

The American Experiment is a quarterly newsletter produced by the Institute's Washington-based Center for the New American Community, which may be reached at (202) 466-7300.

People for the American Way, 2000 M Street, NW, Suite 400, Washington, DC 20036, (202) 467-4999. Initially led by Norman Lear and Barbara Jordan, this organization's publications focus on censorship in the schools and in the arts, the courts, youth, tolerance. It also publishes a newsletter devoted to a critical view of right-wing leadership. Videotapes are also available. Some titles include:

- *Artistic Freedom Under Attack*
- *Attacks on Freedom to Learn*
- *Congressional Handbook*
- *Democracy's Next Generation II: A Study of American Youth on Race*

Progressive Policy Institute, 316 Pennsylvania Avenue, SE, Suite 555, Washington, DC 20003, (202) 547-0001. A project of the Democratic Leadership Council, this new center sets as its goal the adaptation of "America's progressive tradition of individual liberty, equal opportunity, and civic enterprise" to the challenges of the postindustrial era. It has been described as reflecting the "new Democrat" perspective. Its areas of emphasis are crime, health care, educational excellence, and environmental safety. The brief list of publications is impressive and includes policy briefs, commentaries, reports, and records of symposia. The Institute's titles include:

- *Bearing Fair Burdens: A Progressive Tax Agenda for Equity* (Policy Report #12)
- *Beyond Choice in Public Schools: Withdrawing the Exclusive Franchise in Public Education* (Policy Report #8)
- *The Case for Free Trade with Mexico: Why Progressives Should Support a North American Free Trade Agreement* (Policy Report #9)
- *The Los Angeles Riots: Causes, Myths, and Solutions* (Commentary #2)
- *Microenterprise: Human Reconstruction in America's Inner Cities* (Policy Report #10)

A price list of publications is available.

The Rand Corporation, 1700 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138, (310) 393-0411. Long established, in comparison to some of the other policy foundations, Rand has a reputation for liberal views. This reputable firm issues nearly 60 different bibliographies, each one devoted to a specific topic (e.g., Africa, Asia, energy, environmental issues, population, Latin America, terrorism, water resources). Each bibliography is extensive and well annotated and contains ordering information. Some titles include:

- *Deterring or Coercing Opponents in Crises: Lessons from the War with Saddam Hussein*, by Paul K. Davis and John Arqiulla
- *Short-Term Health Effects of Air Pollution: A Case Study*, by

N. Duan, I. Hayashi, A. H. Coulson, and others

- *Still the Arms Debate*, by R. A. Levine
- *The Ultimate Fifth Column: Saddam Hussein, International Terrorism, and the Crises in the Gulf*, by B. R. Hoffman
- *Underground Voices: Insurgent Propaganda in El Salvador, Nicaragua, and Peru*, by C. Meyer

Resources for the Future, 1616 P Street, NW, #600, Washington, DC 20036, (202) 328-5000. For over 40 years, this organization has published books dealing with the condition of America's natural resources and environment, including related energy and economic issues. Some have become near classics; Boyd Gibbons's *Wye Island* (1977), for example, presents both sides of a struggle involving basic American prerogatives: the right to preserve one's neighborhood and the right to improve one's life by change. Other, more recent, publications include:

- *America's National Parks and Their Keepers*, edited by Ronald A. Foresta
- *The Cropland Crises: Myth or Reality*, edited by Pierre R. Crosson
- *The Long-Term Adequacy of World Timber Supply*, by Roger A. Sedjo and Kenneth S. Lyon
- *Markets for Federal Water: Subsidies, Property Rights, and the Bureau of Reclamation*, by Richard W. Wahl
- *Nuclear Imperatives and Public Trust: Dealing with Radioactive Waste*, by Luthor J. Carter
- *World Metal Demand: Trends and Prospects*, edited by John E. Tilton

The Urban Institute, 2100 M Street, NW, Washington, DC 20037, (202) 833-7200. Established in 1968, the Urban Institute originally specialized in social and economic problems facing the nation. Recently, its vision has widened to include similar problems in developing countries, Eastern Europe, and the Russian Federation. Its policies are generally described as moderate to liberal. Research papers, presentations and testimony, articles, and books are among the types of publications available, addressing such topics as health policy, human resources, income and benefits, international activities, population, public finance, and housing. The Institute's reports and working papers are obtainable from the Research Paper Sales Office, (202) 857-8687; books are distributed through the University Press of America, 4720-A Boston Way, Lanham, MD 20706, (800) 462-6420. Sample publications include:

- *Child Poverty and Public Policy*, edited by Judith A. Chafel
- *Clear and Convincing Evidence: Measurement of Discrimination in America*, edited by Michael Fix and Raymond J. Struyk
- *Educating Immigrant Children: Chapter 1 in the Changing City*, by Michael Fix and Wendy Zimmermann

- *The Food Stamp Program: Design Trade-offs, Policy, and Impacts*, by James Ohls and Harold Beebout
- *Nurturing Young Black Males: Challenges to Agencies, Programs, and Social Policy*, edited by Ronald B. Mincy
- *Retooling Social Security for the 21st Century: Right and Wrong Approaches to Reform*, by C. Eugene Steuerle and Jon M. Bakija

The Woodrow Wilson International Center for Scholars, 1000 Jefferson Drive, SW, Washington, DC 20560, (202) 357-2429. This quasi-federal agency is affiliated with the Smithsonian Institution. Described as nonpartisan in its views, the center is devoted to scholarship in the fields of the humanities and the social sciences. The Center issues a catalog of its publications. The Wilson Center elicits the partnership of Johns Hopkins University Press (JHUP), (800) 537-5487, and Cambridge University Press (CUP), (800) 872-7423, in publishing the work of Wilson scholars; books should be ordered from these two presses. Sample titles focus on collections of essays and include:

- *Cities Without Suburbs*, by David Rusk (JHUP)
- *A Culture of Rights: The Bill of Rights in Philosophy, Politics, and Law, 1791 and 1991*, edited by Michael J. Lacey and Knud Haakonssen (CUP)
- *The Future of News: Televisions, Newspapers, Wire Services, Newsmagazines*, edited by Philip S. Cook, Douglas Gomery, and Lawrence W. Lichty (JHUP)
- *Government and Environmental Politics: Essays on Historical Developments since World War Two*, edited by Michael J. Lacey (JHUP)
- *Religion and Twentieth Century American Life*, edited by Michael J. Lacey (CUP)

The Wilson Quarterly and *Dialogue* are periodicals available from the Center.

Youth Policy Institute, 1221 Massachusetts Avenue, NW, Washington, DC 20005-5333, (202) 638-2144. This Institute is perhaps best known for its monthly publication, *Youth Policy Magazine*. The magazine provides updates on proposed policy solutions to current issues, detailed one-page summaries, and pertinent articles by experts in the field. The editors strive to present a good representation of different viewpoints on a particular issue. Health, welfare, housing, education, and employment are among the array of topics with which the magazine deals. As a result, *Youth Policy Magazine* can be a vital classroom resource when students research opposing positions regarding an issue. Subscription information for the magazine is available by contacting the institute.

For materials from other policy foundations, contact Public Interest Publications, P.O. Box 229, Arlington, VA 22210, (800) 537-9359.

Appendix VI-1

Sample Topics for Student Research

If students prefer to research a topic relating to the nation or world, as opposed to one dealing with a state or local issue, the following list may be helpful in prompting ideas. Since nearly all the topics are in some way controversial, students have opportunities to investigate opposing viewpoints.

Technological issues

- Arms control
- Strategic Defense Initiative (SDI)
- Arms proliferation

Environmental issues

- Acid rain
- Global warming
- Rain forests
- Recycling
- Resource depletion and conservation
- Toxic waste disposal
- Wildlife preservation

Economic issues

- Competition from abroad
- "Ownership" of the United States by other nations (e.g., through legitimate business transactions, payola, etc.)
- Trade agreements

Political issues

- Abuses of power
- Centralization of power (e.g., federal vs. state or individual powers)
- Corruption in government
- Expanded role of the judiciary
- Struggles of new democracies in the world
- Term limitations
- U.S. defense policies
- U.S. foreign policy
- United Farm Workers

Health issues

- AIDS
- Drug abuse
- Health care

Rights and oppressions

- Apartheid
- "Ethnic cleansing"
- Leaders and speeches in support of freedom from oppression
- First Amendment controversies
- Kurdish oppression

Educational issues

- Literacy decline
- Local control vs. centralization
- "Political correctness" on college campuses
- Voucher initiatives

Cultural issues

- Civic education
- Illegitimate births and the family structure
- Media and values: media elite
- Multiculturalism, tolerance

Geopolitical issues

- North American Free Trade Agreement
- Renegotiation of the transfer of the Panama Canal to Panama
- Transfer of Hong Kong to China and its potential impact

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Appendix VI-2

20 Ways for Students to Learn About Their Communities

❶

Plan a cross-community treasure hunt or "rally" with checkpoints at notable civic locations where students can get information about those sites or functions.

❷

Take your class on a "city walk" scavenger hunt in the neighborhood around your school. Have students look for and log examples of local government services; have them share their examples with the class.

❸

Contact the city or county clerk and have copies of the agendas for his or her meeting forwarded to appropriate teachers at your school. Invite elected officials or staff to visit your classroom to explain the items on the agenda.

❹

Take classes to the council meetings, after reproducing the agenda and briefing students on the items. Videotape the meeting for replay in the classroom for analysis and for those students unable to attend.

❺

Provide students with information from your planning department on anticipated changes in your community. Encourage students to create "alternate future" scenarios for your community, e.g., "Our Town 2010."

❻

Have demographic data on your community forwarded from the city manager's office. These data, from the Census Bureau reports, can be used to prepare graphs and charts on the community's population components, such as age, education, income and ethnicity.

⑦

Sponsor a Candidates' Fair at your school, inviting candidates for city and/or county elective positions to attend. Have formal presentations as well as campaign tables for face-to-face engagements. Encourage students to work in the campaign of their choice.

⑧

Initiate a student polling project to give students insight into contemporary attitudes and practice in statistical methods, interviewing, writing, and critical thinking.

⑨

Provide students with information on your city's fire protection program. Invite a firefighter to your class to share information on how the fire department knows what hazardous materials may be in your town, where they are, and how they would deal with them in an emergency.

⑩

Sponsor a Youth-in-Government Day in which students shadow elected officials, department heads, union leaders, etc., work on selected problems, and then have a mock city council meeting. Models of this program are available from the League of California Cities.

⑪

Use city hall as the site for student or school recognition events. Encourage city officials to join with school officials in making the various presentations.

⑫

Encourage your city/county to establish academic, community service, or athletic awards to be given to the community's schools and students. Use city council, board of supervisors, or school board meetings for presentation of these awards.

⑬

If your city or school district has video production capabilities, have students make videos about your city or neighborhood, covering key factors such as demographics and social composition, an economic profile, commute patterns, entertainment preferences, and voting patterns.

⑭

As a school-year–long activity, have pairs of students attend various council or commission meetings on a regular basis and report the events to the class. Rotate the pairs of students and assign bonus credit.

⑮

Initiate a cross-age tutoring program for citizenship education. Tutoring can help both older and younger students learn.

⑯

Encourage city officials to participate periodically in reading announcements. Each official could provide a brief overview of her or his department or of functions and upcoming activities.

⑰

Videotape school activities to present to the city council or for showing on cable television. This presentation would encourage students and their families to watch, as well as inform the council and the city residents of school functions.

⑱

Have students gather information about upcoming community or local government events. Then have them create a calendar of the events for the year.

⑲

Use city buildings as a venue to display student projects. Change the displays frequently; include all subject area departments in the school.

⑳

Arrange for business sponsorship of "Good Citizenship" citations to be given by students to their peers or to adults whom they observe practicing good citizenship.

Source: Institute for Local Self Government, Sacramento, California. Adapted and reprinted by permission. For copies of this poster, contact the Institute at 1400 K Street, Sacramento, CA 95814, (916) 443-4146.

Epilogue

Politics in a Free Society

> *There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.*
>
> Niccolò Machiavelli, 1532

Introduction

Politics is to be found everywhere, in every nation, organization, corporation and family, from the Kremlin to the White House, from the company headquarters to the workers' union, from a farm in Argentina to a shop in Warsaw. Within every society, every alliance, every relationship, power must be apportioned and differences reconciled if human aspirations are to be pursued in an orderly manner. This is the mission of politics.

When two people get together, there naturally arise differences that must be reconciled if they are to exist in harmony. When larger numbers unite, these differences multiply, and the need for arbitration increases. Politics serves this function. It is the mediating force that works within all levels of society. Without politics there is anarchy.

"Politics is not an exact science . . . It is the art of the possible." Many great leaders have echoed this claim since it was first made in the 19th century by Bismarck. The pragmatism found in this statement suggests that politics is not always benevolent.

The possible can be malign. Greed and ignorance can lead to mismanagement, corruption, stagnation and decay,

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Source: This paper, prepared by the Educational Excellence Network for the Education for Democracy/International Project of the American Federation of Teachers, was written by the staff of the Educational Excellence Network: Chester E. Finn, Jr., Director; John P. Crisp, Jr., Deputy Director; and Matthew Gandal, Andrew C. Forsaith and Theodor Rebarber, Research Associates. It is reprinted through the courtesy of Dr. Finn and the Educational Excellence Network.

The Educational Excellence Network is an information exchange and clearinghouse serving hundreds of reform-minded educators, policy makers, journalists, and citizens who are chiefly concerned with the improvement of elementary and secondary education in the United States. The Network's membership is international, however, and it often studies and reports on significant developments in other nations. Now a project of the Hudson Institute, the Network was a project of Vanderbilt University's Institute for Public Policy Studies at the time this paper was developed.

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for dictatorships and tyrants—from Nazi Germany, to Stalinist Russia, to Saddam Hussein's Iraq—were or are engaged in politics, too.

Only when politics is exercised in accord with sound and moral precepts does it wear a noble character. A free society is where politics can achieve such a character. While the mundane practice of politics in a free society is not always inspirational, its overall function is noble indeed.

Politics is often seen as "dirty" or compromising. And sometimes this is so. Politicians can succumb to greed and accept bribes for their votes on certain issues. Candidates for office will often promise more than they know they can reasonably expect to achieve. And, of course, politics is the art of compromise, since no individual politician in a democracy can ever achieve everything he wants or desires. But in a democracy politics is something much more. It is the avenue through which the public can effectively influence policy that affects the fate of the country, the well-being of the community, and the lives of the citizenry.

What makes free societies special? The very fact that the citizens are free: free to express their own ideas and to pursue their own interests. Most importantly, in a free society government acts with the consent and the active involvement of the governed. Abraham Lincoln described the democratic governments of free societies as those "whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all an unfettered start, and a fair chance, in the race of life."

Totalitarian, authoritarian, and despotic societies limit what people may say and do, giving them no voice in vital matters affecting their lives. In free societies, politics affords citizens such a voice. This freedom, together with the guaranteed protection of individual and minority rights, serves to contain "politics as the art of the possible" more or less within the bounds of what is desirable in human affairs.

Democratic politics is fundamentally a process of majority rule, where 50 percent plus one may decide matters of public policy. But it also must work within the confines of the nation's basic constitutional arrangements, which should protect the rights of individuals and minorities. The constitution establishes various branches of government, and defines their roles, and in addition codifies the society's most fundamental values and *limits the power of government* (including the police and military) to intrude on citizens' rights and liberties. Thus, the enforcement of the Constitution and the interpretation and application of its protections and limitations are customarily in the hands of the judiciary, whose independence is required so that it may resist an unjust majority view or strike down an unlawful act taken by the executive or legislative branches of government.

Establishing a viable and stable free society is a complex process. The laws, customs, understandings and institutions that enable democratic politics to operate smoothly take time to develop; constructing them may be accompanied by economic and social hardship. Yet as the American revolutionary statesman Thomas Paine said: "Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it."

And in the words of Franklin D. Roosevelt, "The only sure bulwark of continuing liberty is a government strong enough to protect the interests of the people, and a people strong enough and well enough informed to maintain its sovereign control over its government."

The democratic political process is neither perfect nor static. It cannot guarantee prosperity; but it does give citizens the capacity to decide for themselves which paths to take in search of prosperity, and the right to change direction in mid-course. Mistakes will be made. Such is the nature of democracy. But it is not so much the mistakes of a society that threaten to destroy it, as its inability to correct and learn from them.

Purpose of Essay

This paper describes the politics of a democratic society in its many aspects, focusing on four central themes: the role of the citizen; the role of political parties and the conduct of election campaigns; the politician as policymaker; and the function of the media. Other elements are important, too, both for what they do and what they do not do in the politics of a free society. One might well, for example, examine the roles of the army or the bureaucracy. We have chosen to discuss four fundamental components of the basic framework of democratic politics, in which information is exchanged freely; people come to take particular actions or to side with specific groups; majorities are peacefully built and coalitions formed; public officials are elected; and mandates for change are given. In democracies, politics is the process where the demands and interests of a diverse populace become public policy.

Edmund Burke reasoned that government is "a contrivance of human wisdom to provide for human wants, [and] men have a right that these wants should be provided for by this wisdom." Democratic politics comes closer than any other to achieving such an ideal.

Section I

Citizenship and Political Participation

As citizens of this democracy, you are the rulers and the ruled, the lawgivers and law-abiding, the beginning and the end.

Adlai Stevenson, 1952

In any populous democracy, political decisions are not easily made by participation of all the citizenry. Hence representatives are chosen to make decisions on behalf of the citizens and to run the operations of government. The key to making such a system responsive, effective, and durable is the maintenance of public accountability and control.

Representatives must be elected regularly and be accountable to the people between elections; and, although it is the representatives who forge policy, it must be the people who determine its direction.

Individual Participation: The Rights of the People

Thus, a degree of civic responsibility rests with each individual in a free society. The responsibility cannot be taken lightly. While citizens may not be required to participate in the political process, and they are free to express their dissatisfaction by not participating, lack of participation by the citizenry impedes and ultimately erodes democracy. Democracy is a system that establishes the right of self-government. For democracy to succeed, citizens must not only exercise their individual rights but also assume full responsibility for a system of self-government.

Always, in a democracy, all citizens are assumed to possess those human qualities that provide [them with] the necessary reason to determine the best course of their lives. Every citizen possesses both the dignity and the potential to improve his or her station and knowledge. An individual has both will and inalienable human rights and thus possesses the right to self-government.

In order to participate effectively, the citizen must be accurately informed on important public issues. One's awareness of such issues can be sustained through a variety of independent sources—such as reading materials

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(including newspapers, magazines, books), radio or television news programs, information supplied by private groups and organizations, and discussions with friends and fellow citizens—as well as from government sources and inquiries made to public officials. Each of these helps to increase the citizen's knowledge and refine his opinions. Throughout, it is desirable to have multiple sources of information and to maintain a judicious temperament; for the information one receives is inevitably colored by the views and biases of those through whom it is passed.

In order to properly judge and interpret information concerning public and private affairs, the citizen must also be the product of a good education, one that gives him the ability to think critically and also imparts a body of knowledge in which to place new information. Young citizens need to be introduced to the institutions and processes of democracy and made aware of the opportunities and responsibilities awaiting them. As they grow, so should their understanding of the political system and the issues that affect their lives. Thomas Jefferson, author of the Declaration of Independence and third President of the United States, recognized this in his country's formative years: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

Education is a necessary and powerful tool in a democracy; but it is a tool of the society, not of the government, even though the government is responsible for providing education to all. Schools need to teach students how democracy works and how they may become involved, but must not in any way attempt to control or dictate their political opinions.

Voting

Since in nearly all societies it is impossible to govern through direct democracy with the participation of all citizens in decisions that affect the nation or the community, it is necessary to choose representatives who, with clearly defined limits, may make decisions necessary for governing. Casting one's secret ballot in the election of public officials is the most visible and specific form of participation in modern democracies, and it is also the most fundamental. Societies have long been judged by their ability to carry out honest and fair elections, and only those that have succeeded in doing so earn the right to be called "free." It is one of the greatest rights of democratic citizenship to cast a ballot and to take part in choosing one's representatives to government.

For the citizen, several factors come into play in deciding whom to vote for. One is the degree to which a candidate represents the voter's views on specific issues. Each citizen has interests and beliefs that he wants his representatives in government to foster; it is his prerogative, therefore, to vote for the candidate who will do so most effectively. Another factor is affiliation to a political party. If the voter belongs to a political party, he may wish to vote for his party's candidates in order to enlarge its influence in government. (The role of political parties is discussed later.) A third factor is the personal quality of the candidate. Aside from their positions on the issues, candidates vary in character, temperament and experience. Such differences often have profound effects on voters (especially in societies where party ideology is not strong).

The history of modern democracies has been one of expanding citizen involvement in elections. Voting rights in most nations were initially restricted to elite groups (e.g., property owners) and to men. However, as time passed and the fight for equality was waged, such restrictions as property requirements, literacy tests, and poll taxes were overcome and, in those nations deemed "free," universal suffrage was eventually realized. In the United States, for example, women were granted the vote in 1919, and full protection of the right of blacks to vote was finally achieved in 1965.

While the right to vote is usually no longer restricted to particular groups, there are marked differences in the rates at which citizens actually turn out to vote. Most Western European nations have greater voter participation than the United States. In measuring turnout for national legislative elections, West Germany leads with 90%, France and Great Britain both generally have 70 to 80% participation rates, while the United States records around 50% (although in presidential years those numbers rise slightly). The reasons for this become clearer by studying the electoral systems in use in different countries.

One major difference in democratic systems is the type of representation. In many European nations, the electoral system is based on proportional representation, rather than plurality-based single-member districts, as in the U.S. and Great Britain. Proportional representation stimulates voter turnout because it allows for any party, large or small, to increase its representation in the legislature as a direct function of its share of the total popular vote. The more votes a party receives across the nation as a whole, the more representatives it is allowed in government. In the United States and Britain, by contrast, a majority vote within each district determines who will represent that district in the government. Thus, an individual's vote may be more decisive in systems of proportional representation than in majority district representation and thus participation may decline in the latter.

Another element affecting voter turnout is registration requirements. Most citizens of European counties are automatically included on the roster of eligible voters, and these lists are regularly updated by government. United States citizens, on the other hand, must file an initial application in order to be eligible to vote. This requirement is based on the theory that citizens should actively register in order to prevent fraud or abuse of electoral polls. Yet this obligation may also be burdensome or confusing to some citizens, dissuading them from even registering.

Participation rates may also be affected by the frequency of elections. In the U.S., the average citizen is called to the polls more often than his European counterparts because there are so many more elected officials (especially at the state and local levels). Voters are called on to choose some representatives each year (sometimes at different times of the year), either for local, state, national or school board offices. This makes it more difficult for one to maintain a high voting record. Less frequent elections appear to encourage broader participation.

But whatever the frequency of elections, it is the holding of regular elections that prevents the abuse of power, and keeps representatives accountable to the people. Also, it is the act of casting a vote that binds individuals to the society and the country in which they live.

Citizen Participation in Election Campaigns

An election is meaningless without election campaigns. It is during an election campaign when candidates and parties present their views and programs to the public, so that a citizen may reasonably choose the best candidate or party. It is also during such campaigns when the public may most actively participate in political life.

Citizens take part in political campaigns in many ways. Those who are most dedicated may themselves run for office or work on the campaign of a political party or candidate. Participation in a party or politically-active organization is another form of involvement. One can play a significant role by talking to one's neighbors and persuading them how to vote, or even by advertising for a candidate by displaying signs in one's yard or vehicle or by wearing political buttons. Financial contributions to election campaigns are important in many countries as a way to express support for one party or candidate (and also to diminish government involvement in elections).

The varying role of political parties may affect the involvement of the citizenry. In the United States, the two major parties are relatively decentralized and non-ideological. This gives the average citizen more opportunity to become involved. Although parties play an important role (especially at the national level), party-run campaigns are not as common as in most other democracies. American campaigns tend instead to be separate efforts by candidates and their supporters. (This is especially true at the local level, where most elections are held.) One need not even be a party member to run for office. In Great Britain, on the other hand, elections do not necessarily occur on a set schedule; instead they are called—and campaigns waged—quickly, allowing for much less preparation. As a result, campaigns in Britain depend on party members to mobilize in swift fashion to organize and execute a campaign. Aside from these party members, few citizens have the chance to participate other than by voting.

Modern information technology has affected campaign participation in important ways. The powerful role of television (especially in the United States) has made citizen involvement more passive in certain respects. It is no longer so necessary to actively pursue information through the print media or by seeking information from public officials. This is not necessarily a bad thing, for participation may increase when less effort is needed to remain aware and involved. The danger is that citizens may also neglect to examine critically the information they receive, whether via television, radio, newspaper, or even word of mouth. As technology makes avenues of political participation more open but also more passive, citizens need to increase their efforts to interpret what they see and hear.

Group Participation in Elections and the Importance of Freedom of Association

While individuals play important roles in elections and politics, many people find it more effective to participate through groups, organizations, and associations where there are common interests. The right of individuals to associate freely and to organize themselves into many different sorts of groups independent of the state is fundamental to a democracy. When people of common interests band together, their voices are amplified. Results of any kind—whether political, economic or social—are more easily obtained by an organized group than by individuals. It is therefore in the interest of citizens living in a democratic society (and doubly so if they are a minority) to join together in groups so as to enhance their influence. As the 19th century political observer Alexis de Tocqueville put it: "There are no countries in which associations are more needed to prevent the despotism of faction or the arbitrary power of a prince than those which are democratically constituted."

There are two ways that these varied and different groups participate in politics. The first way is to actively participate in election campaigns. Just like individuals, groups may support a candidate or political party based on that candidate's or party's support for the policies adopted by the organization. Trade unions may support candidates or political parties that will best represent the interests of workers; business groups, those of business, and so on. These groups try to persuade their members that a particular candidate or party will best represent their interests, and they may also try to persuade the general public of the wider importance of their concerns. The individual citizen, of course, bases his vote on his own concerns and beliefs, but his decision will be partly based on the information and advice he receives from groups he voluntarily belongs to.

Perhaps a more important role of organizations in public life is after elections. For it is after elections that newly elected representatives make policy and law. Free organizations that have formed to represent the common interests of different groups of citizens will try to affect the policies and laws adopted by the executive or legislative branches of government. These organizations will have the opportunity to "lobby" or persuade elected representatives and officers of government what policy or law will best serve the members of the organization and the public at large.

Groups naturally represent different philosophies, interests and opinions. Their emphases vary as well. Some may focus on economic issues, while others concentrate on the environment. Some are dedicated to educating the nation, others to feeding the world. Some represent people with the same ethnic backgrounds; others draw together persons of similar religious belief; and still others consist of people with kindred trades or occupations. In fact, there are so many groups representing so many interests that it is common for an individual to belong to numerous groups (some of whose interests may even be contradictory!).

The many and varied groups to be found in democratic societies can be classified in several ways. Some exist mainly to pressure government regarding a particular issue that affects society, and they seek members who share a similar view on that issue. These are often called "interest groups." Membership in them provides a non-partisan basis for political participation, centered on a specific issue or goal to which everyone pledges their efforts. The pressuring or "lobbying" of government officials is a key activity of these organizations as they attempt to gain political leverage and influence policy. Business groups, for example, pay close attention to policies that could affect their industries' growth and profits. Ethnic associations make sure public officials are aware of their specific concerns. Churches and other religious organizations may maintain a watchful eye on the morality of government policies, and on whether certain religious views are violated. (These groups do not necessarily limit their activities to such a narrow focus; but most groups do have primary concerns, beliefs or ideologies on which they concentrate.) These groups also pay close attention to public opinion, making every effort to widen their base of support on issues of importance to them. By organizing demonstrations and distributing information in support of their cause, for example, interest groups may simultaneously inform the public and influence government officials.

Although they may not provide many other services to members, interest groups serve as a mediating force between the isolated individual and the far-off government. In such an atmosphere, a citizen can gain greater access to the making of government policy through a group he joins than if he had attempted to influence policy alone. This is the power behind group participation.

Another type of group to which citizens belong functions mainly to provide services that are not rendered by the government. Such groups will lobby when necessary; but their emphasis is on self-government, or doing what is best for the particular population or community they represent. Trade associations and trade unions, for example, exist primarily to meet needs of specific occupational groups or of business or labor as a whole. They keep members informed of issues relevant to their work or family, defend them against unfair practices by employers, managers and government, and provide them with an avenue for participation in the political process. They often provide assistance in the form of health care, pensions, insurance, training and other valuable services. Youth groups and neighborhood associations also are examples of service organizations. Both dedicate their efforts to improving the lot of their members, the former providing for youngsters, the latter for those living in a specific community. Whereas people are attracted to interest groups mostly by the causes they espouse, people are apt to join service organizations to receive representation or benefits that cannot otherwise be obtained.[1]

There are notable differences in size and scope among groups. In size, the AFL-CIO is among the largest member organizations in the United States, with 16 million members all told. A community group may have only 10 members. Some of the larger interest groups involve themselves in a variety of specific issues pertinent to their more general goals. In the United States, these organizations include the Children's Defense Fund and the National Wildlife Federation. Others—such as the National Committee for the Prevention of Child Abuse and the Whale Protection Fund—are more specific in orientation, limiting their efforts to one particular issue. With regard to service organizations, a similar distinction may be made. Some groups such as the American Medical Association, the American Federation of Teachers and the National Farmers' Union have huge memberships; while others such as the National Association of Medical Directors of Respiratory Care, the National Council of Teachers of Mathematics and the National Corn Growers Association have narrower focuses and fewer members.[2]

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[1] To these examples should be added those organizations of a purely philanthropic, charitable, or community betterment purposes. - Ed.

Political participation through groups is by no means limited to the national level. Many local organizations deal with issues affecting communities and become politically involved to get things done. People may organize associations in the name of public safety, services for the elderly, the maintenance of gardens and parks, or to arrange social and cultural events. There may be a group working to improve local libraries; an association interested in preserving a community's historical sites; a group dedicated to musical enrichment, to athletics or to poetry; a club organized to bring people together to discuss literature, play golf or learn to dance.

Such groups generally adhere to democratic principles in their internal government. Elections are held to choose leaders; decision-making occurs and policy is created, much like a formal government. In many ways, the voluntary association or service organization is a microcosm of democracy; thus, citizens involving themselves in the work of associations are participating in forms of democratic politics. Through such participation, citizens not only influence the policies of their particular group, but may also receive exposure to the large political area and become participants in the democratic decision-making process. In being elected a group leader or representative, for example, one increases one's level of influence and opportunity for recognition. Thus he is more likely to be listened to by politicians and other citizens, and that is precisely how political success is defined.

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[2] To these examples should be added such groups as "neighborhood watch" associations, community beautification clubs, or violence reduction task forces.

Free association is a dynamic and treasured right. In democratic politics, without free association, government officials and elected representatives will act arbitrarily, without having considered the concerns of individuals and groups their decisions affect.

Yet the potential for its abuse must not be overlooked. In *The Federalist Papers*, James Madison warned of the inherent danger in any free society posed by "factions" or groups "who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." It is important to recognize that underlying the powers, freedoms and rights granted to individuals in a democracy there lies a crucial expectation: a citizen must be respectful and tolerant of the divergent interests, beliefs and opinions of the other citizens who live in a free society.

Tolerance is difficult to enforce, but democratic politics cannot work without it. Some laws do exist to "enforce" tolerance. In the United States, there have been laws enacted for "hate crimes"—crimes committed out of racist motives. Such hate crimes include the desecration of synagogues or "cross burnings"—a practice adopted by the Ku Klux Klan to intimidate Blacks. Civil rights legislation has enacted criminal penalties against racist practices. Similarly, in West Germany and France, among other countries, the propagation of Nazism is a crime.

But on a broader level, tolerance is a norm of society that is enforced by the common practices and acceptable behaviors of society. Such norms include the adopting of fair procedures for debate that allow both sides on an issue to be heard equally. In the United States we usually follow *Robert's Rules of Order*, which was adapted from the British Parliament's procedures for debate. Debate and polemic should be conducted within the confines of civilized discourse, but even in democratic politics, these rules are often violated. In the British Commons, the Prime Minister is often booed and shouted down by members of the opposition party!

The Politics of Protest

Political participation sometimes moves outside the boundaries of elections and lobbying to include demonstrations, petitions, boycotts, strikes and other forms of direct citizen action. These avenues of expression are valued in free societies. All people must have the right to be heard. The United States Constitution explicitly guarantees the rights of assembly and petition to all citizens, and no law may be enacted to restrict those rights. They are also an important aspect of the political process, a powerful means of persuasion.

Direct action has traditionally been utilized by oppressed, disadvantaged, or alienated groups, and sometimes by minorities who found more conventional avenues of participation beyond their effective reach. Events leading up to both the United States and French revolutions exemplify early uses of "protest politics," as oppressed groups in each nation resisted the governments of their day. (At the time, of course, many of these activities were considered illegal by their non-democratic governments. Today they stand as symbols of the efficacy of protest.) Large-scale, non-violent protests were also carried out by those seeking to end racial discrimination and to extend voting rights in the United States.

In recent years, protest has become an even more popular strategy. The mass protest movements for democracy that swept Eastern Europe successfully ousted despotic and entrenched communist regimes! Even in the U.S., the wave of student unrest that swept through Western societies in the 1960's illustrates this trend, as well-educated young people took to the streets to oppose various policies of universities and government. Since then, groups have protested such things as nuclear weapons and air pollution, foreign policy toward South Africa, and domestic policies concerning abortion. Even small groups with specialized, sometimes eccentric interests may organize rallies and protests in order to obtain greater attention to their concerns. In most such cases, the media play a large role as protesters strive to be noticed. If a demonstration is reported by a television network or newspaper, its effects may be magnified.

Protest has lately become more accepted in politics, providing a decentralized, direct means of citizen participation. Yet protest politics has negative aspects as well. The right to organize and demonstrate has the potential, when abused or taken to extremes, to delegitimize the electoral process. Protest that gets out of hand may lead to violence, mob rule, chaos, excessive attention to narrow or specialized interests and the degradation of the democratic process, resulting ultimately in the loss of individual rights and freedoms.

Protest politics has best been used to organize public pressure against unjust policies, practices, or even governments. Examples of such protest politics have been the civil rights movement in the United States, and the democratic movements in Chile, the Philippines, China, and Eastern Europe. Yet, free societies must recognize the difference between peaceful, persuasive protest whose aim is to gain the support of the public and the disruptive, obstructionist kind that can antagonize the public and lose support.

Examples of such disruptive protest in recent years include some actions of both pro-abortion and anti-abortion movements in the United States. Some anti-abortion protest groups have, for example, thrown bags of animal blood on doctors and patients. In the Middle East, protest politics of Palestinians has purposely included the use of violence, intended to provoke violent reaction. Extreme left and right groups often use tactics of provocation. Protest politics should not degenerate into coercion or intimidation; rather it is designed to grant individuals expression of their interests, beliefs and concerns.

Section II

Politician As Policymaker

> ***Public life is regarded as the crown of a career, and to young men it is the worthiest ambition. Politics is still the greatest and the most honorable adventure.***
>
> **John Buchan, 1940**

A political party is a group of citizens who share common interests or ideas and who seek to elect their candidates to government and to mold public policy and decision-making. Other organizations, such as interest groups, corporations and citizen groups, may also seek to influence the choice of public officials and policy decisions, but a political party is different: its sole reasons for existing are to win elections, to supply government personnel and to shape policy decisions by representing citizen views and interests in government.

The functions of political parties in most democratic countries are varied. They provide personnel for the government by recruiting, nominating and campaigning to elect public officials. They influence the direction of government by electing the necessary leadership to enact and implement the party's goals and policies and by encouraging public officials who belong to the party to represent and support the party's platform. If the party is not in power, it helps to insure that the governing party is responsible to the people by monitoring and criticizing its actions, offering alternative policy proposals and serving as a loyal opposition. Political parties also synthesize myriad public and party interests and build political coalitions; educate and inform the electorate about significant political issues; provide a political and philosophical point of reference to help voters and elected officials sort through complex policy options; and civilize political conflict and unify the nation by taming the hostility and differences inherent in political debate.

Party Systems

The nature of political parties and the functions they perform differ from country to country, depending on history and culture, constitutional requirements, and the methods used to select the nation's leaders.

Political systems with only one party are usually associated with authoritarian, fascist or communist regimes that prohibit political organizations other than the official state party from functioning. In nearly all cases, one-party systems are undemocratic, as party leaders control virtually all policy and personnel decisions and show little tolerance for differing viewpoints or democratic activity. Whether it be China, Iraq, or Zaire, such one-party systems are inherently incompatible with democracy, hence with a free society. However, there are countries with a history of one-party domination that are generally not repressive, such as Mexico, Nigeria, and Egypt.

Democratic governments allow multiple political parties to exist and organize freely. Madison wrote in *The Federalist Papers* that political parties are important to politics in a free society: "An extinction of parties necessarily implies either a universal alarm for the public safety, or an absolute extinction of liberty." Multiparty systems can be found in the United States, India, Israel, Japan, most European countries, in most parts of Latin America, and in some parts of Asia and Africa. Some systems, such as those in France, Greece, Italy, Scandinavia, Chile, or Israel, may have six or more political parties contending for control of the government. But most systems are dominated by only two or three major parties that represent broad interests and differences. Japan, for example, is led by the long-ruling Liberal Democratic party and the main opposition is the Socialist party. Great Britain is dominated by the Conservative, Labor and Liberal Democratic parties, and the United States by the Republican and Democratic parties. In each case, the parties tend to represent broad categories of citizens (e.g., entrepreneurs, workers, Catholics, intellectuals).

"Minor" parties may also exist in these systems, but they are typically organized around a particular ideology, a single issue, or a small protesting faction of voters seeking to disassociate themselves from the major parties. In the United States, because of its majority representational system, most of these movements are short-lived, and even those that endure have little impact on national elections because they rarely obtain the type of support needed to win. (However, some minor parties have been influential because their views and positions were absorbed into the platforms of the two major parties.) In Israel the minor parties are so small, but because of proportional representation they often become important in forming governing coalitions. When the dominant Likud and Labor parties have both failed to achieve outright majorities in the parliament, one or more of the minor parties may insist on special consideration of its concerns before agreeing to form a majority coalition government.

The major political parties in the United States are pragmatic, nonideological, and decentralized. While there are many reasons why this type of system has developed, perhaps the two most significant are America's federalized, decentralized form of government in which individual states and localities retain many governmental rights and duties, and the "winner-take-all" system used to elect most public officials. Candidates at all levels are typically elected under a si [illegible] plurality system with victory going to the single candidate receiving the most votes in a geographic area. This system forces minor party followers to endorse and vote for the candidate of a major party in order to exert any measurable influence over government decisions. If, instead, legislative seats in the United States were proportionally distributed to parties, based on the percentage of the total vote received (as is the case in many European parliaments), minor parties could more easily advance their platforms.

It is wise not to overgeneralize about multiparty systems. It may be noted, though, that most European multiparty systems operate under a parliamentary system with a unitary form of government, which means that the legislative branch (the parliament) and the executive branch (the ministries) of government are both controlled by the majority party. This is not the case in the United States where officials from one party often control the executive branch (the presidency and administrative departments) and members of a different party control one or both houses in the legislative branch (the Congress). This system of separation of powers is intended to provide checks and balances within the government to prevent the supremacy of any one party or branch of government. However, this often makes it difficult to institute major changes in policy, particularly when, as in the last 20 years, American voters have preferred different parties to control the executive branch and legislative branch.

Citizens in most parliamentary systems are represented primarily through their choice of political party, rather than through their selection of individual candidates. The parties are disciplined and led at the national level, leaving little room for experimentation or dissent within the party. Party discipline in a democracy does not represent any threat to person or property, as often occurs in totalitarian systems. Instead, party discipline in a democracy is handled through a combination of persuasive leadership, appeals to party loyalty and a system of tangible rewards that can help advance the career or interests of the party member. For instance, party leaders may grant loyal followers preferred committee assignments or leadership roles in the legislative branch, or higher positions of responsibility and authority in the executive branch, or greater party assistance in their campaigns at election time.

Such discipline affords the electorate a large degree of indirect control over their elected leaders. When a party receives a majority of the public's support, party leaders know that if the public becomes dissatisfied with the party's overall performance, many of their candidates may be turned out of office in the next election, and the party may lose control of the government. Their desire to maintain power helps insure that elected party officials will work to complete the goals and policies that were advocated in the previous campaign and to retain public favor.

Party Organization

In the United States, the two major parties are organized in similar ways. Each convenes national conventions every four years to nominate candidates for president and vice-president, adopts a national platform, strengthens the party's organization, and promotes the party's image to the public via television and other means. Between conventions, the party works to elect candidates to Congress and to state and local offices, to raise funds and recruit candidates for upcoming elections, to develop policy positions and options, and to generally promote its leaders and agenda to the public.

Each major U.S. party is led by a chairman and a national committee composed of elected representatives from the party committees of the 50 states and from the various interest groups that make up key elements of the party's support. Each state committee also has a chairman and executive committee to oversee party activities within the state. (A similar structure typically exists at the local city and county level, too.) In most states, citizens may join the political party of their choice with a simple declaration. This permits the citizen full voting rights in his party's primary elections to determine the party's candidates for the general election. Unlike the national parties in Great Britain, West Germany and Scandinavia, parties in the United States leave most powers to the state and local party committees (notably the power to recruit and nominate state and local candidates). In Great Britain, by contrast, the national parties are highly centralized and headed by their leaders in parliament who in turn appoint the chairmen of their respective party Central Office. The Central Office is an organization of skilled professionals who conduct the national campaigns. Their role is to help the party's elected leadership formulate policy, carry out decisions, mobilize public support, maintain party organization, and conduct campaigns when elections must be held at least once every five years, but [elections] may be called by the prime minister at any time. Therefore, the national party organization must be ready to move into action with only a few weeks notice, which is why a disciplined full-time campaign team like the Central Office is required.

Winning the Party's Nomination

William Henry Harrison, America's ninth President, once said "We admit of no government by divine right . . . the only legitimate right to govern is an express grant of power from the governed."

In a free society, the "express grant of power from the governed" is derived from the free and fair election of public representatives by the voters. This process begins with the formal nomination of candidates by political parties and ends only after all ballots are tabulated on election day. Political parties in the United States play their most important roles during the protracted nominating process. This differs in two respects from the situation in most other democracies. First, ordinary United States voters, not just party leaders or activists, participate in the candidate selection process, often through a direct primary election (in which all party members may vote for their choice of possible candidates). Second, in states with primary systems, nearly every phase of the American nominating process is regulated by public law. In a direct primary election, state and local governments set the election date, prepare the ballots, count the votes, and certify the results. In a direct primary, candidates must obtain a set number of signatures of eligible voters on a petition, which is presented to a Board of Elections. The place on the ballot is determined by lottery. Alternatively, in some United States and in certain other democracies, candidates are selected by a caucus (or committee of party leaders) in accordance with their party rules. A caucus typically offers party leaders and activists greater control over the choice of their candidates. This makes it difficult for popular newcomers to gain the nomination without legitimate party support (as sometimes happens in direct primary elections), but it also limits the involvement of regular party leaders and activists (or unofficial party supporters) who might actively represent the views of larger numbers of voters and whose support might be crucial during the general election.

Strong national parties offer stability and structure to the democratic process. They select candidates, develop policy positions on public issues, plan and manage campaigns, hold their public officials accountable, and offer unified direction and leadership on issues of national import. On the other hand, strong national parties may discourage capable non-members from seeking public office or becoming involved in the process, may dampen new political movements and ideas, and may underrepresent interests and issues of local or regional importance.

Waging the General Election Campaign

> *When heaven is about to confer a great office on any man, it first exercises his mind with suffering, and sinews and bones with toil.*

Although the Chinese philosopher Mencius wrote these words 2,000 years ago, in many ways they accurately describe the rigors of modern political campaigning. Contemporary candidates for public office undergo a thorough public inspection by the voters and the media. They must demonstrate an understanding of the issues, a sense of shared values with the voters, and the physical stamina to publicize both their views and their qualifications during months—in the United States sometimes years!—of active campaigning.

Most candidates in the general election in the United States form their own campaign teams to supplement the party organization. They typically employ professional managers, consultants, and advertising experts to conduct their campaigns, and they rely on the party organization only to help mobilize the party's members and supporters on their behalf. Once a candidate is nominated, the general election campaign focuses principally on his individual personality, character, policy positions, and background, rather than on the general platform or program of the national party. (This is very different from Britain, where individual candidates are subordinated to their party's national platform, campaign and public image.) While most American voters feel some loyalty to one of the major parties, elections are often decided by "independent" or "split-ticket" voters who ignore party labels and support individual candidates who speak most directly to their interests and concerns.

Thus candidates are usually forced to place the interests of their constituents ahead of ideology or platform.

The goal of American candidates in general election campaigns is to capture a majority (or, in multi-candidate elections, a plurality) of the total vote. Most United States campaigns are won by achieving the highest positive public visibility for the candidate and his or her message with targeted voter groups. Paid advertising, candidate appearances, statements, speeches, and campaign materials are all designed to communicate the personality and views of the candidate.

In most cases, candidates in the United States do not attempt to appeal equally to all voters, but to voting blocs within the electorate that share similar ideological, geographic, ethnic, socio-economic or other common orientations and backgrounds. For instance, a candidate might wage a campaign and embrace certain policy positions that appeal to farmers, labor unions, and ethnic minorities, if those combined groups make up a substantial portion of the district's voters. To be successful, most campaign resources—the candidate's time, advertising, budget, volunteer activities, etc.—would be devoted to attracting support among those groups. In targeting their appeal in this way, of course, candidates risk alienating other groups, so campaigns must calculate their coalitions carefully and must sometimes moderate their positions so as not to drive too many of those not targeted into the camp of the opposing candidate.

In Great Britain, general elections are relatively short and are dominated by the national parties and their campaigns, with voters casting ballots more for the party than for the individual candidate. As noted earlier, the prime minister's option to call elections on short notice has forced British parties to develop an ever-ready, full-time staff of political managers to conduct the national campaigns. These managers are assisted by some public financing provisions that provide free television advertising and postage to the parties to help them communicate their messages. Similarly, in Norway, campaigns center on the national parties with public financing provisions to assist them in conveying their messages. Norwegian parties rely less on television advertising than parties in Great Britain or the United States, and depend more on door-to-door canvassing by party activists and the support of partisan newspapers to help transmit their national party programs and messages to the voters. (Of course, Norway has a much smaller population.)

The democratic electoral process and the elaborate workings of political parties and campaigns may seem to be a laborious, even extravagant way of selecting a nation's leaders and representatives, but a free and fair electoral process offers the only peaceful way of providing all citizens a voice in determining their common destiny. Abraham Lincoln noted that it was far superior to the most common alternative when he advised, "The ballot is stronger than the bullet." Active citizen participation in political parties, campaigns and elections supplies this strength.

Section III

The Politician as Policymaker

Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Edmund Burke, 1774

Once elected to office, the politician becomes policymaker and lawmaker. Depending on his office and the structure of the government, as well as such factors as how well others in his party fared in the election, the politician now has some ability to influence public policy choices and laws.

This influence operates within the continuum and limits of the democratic process. The views of other politicians representing different interests will have to be taken into consideration. The final decision reached on a particular issue is usually a compromise, often an amalgamation of differing positions that everyone can accept, even if this decision bears slight resemblance to the original preferences of an individual policymaker or group.

In unfree nations, those in power need not concern themselves with the wishes of the people. Their own positions are secure and the people must obey their decisions. In democracies, however, elections permit citizens to jettison officials who do not take their views into account. Policymakers are thus expected to consider the needs and preferences of the public in making policy decisions.

That is not to say that politicians abdicate all personal responsibility for their decisions or that they should simply follow the tides of public opinion. The policymaker bears responsibility for the consequences of his decision.

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whatever the degree of popular support for or against it at a given time. It is the nature of modern democracies that the passions of the people are usually tempered by elected representatives rather than expressed directly through such means as plebiscites, referenda or town meetings.

Hence there customarily exists a tension between the role of the elected official as popular representative and his role as wise leader or far-sighted statesman. The public must still wield influence over the actions of public officials once they are elected, else we would be free only when electing them! Such influence—as well as the basic constitutional arrangements—is necessary to ensure that the consent of the governed is maintained not only in establishing the system of government but also when applying that system to the issues, problems and events of the day. Yet we ordinarily elect public officials because we have some confidence in their expertise, judgment and character. We expect them to make use of those qualities in their decisions, even when a particular decision may not be popular in the short run.

The Policy Agenda

A question of policy can arise in three customary ways: first, because of recurrent or irregular events beyond anyone's direct control. A yearly budget is one example; another is a natural catastrophe, such as a flood or earthquake. A plan of action may be required or, as in the case of the budget, a complex set of choices and trade-offs.

Second, something may become an issue for policymakers because of escalating discontent or concern among the general public. Often the spur will be one, or a few, spectacular events that capture the public's attention or imagination. It could be a particularly hot summer or intensified pollution that triggers concern about the environment, or a series of terrible crimes that makes people feel insecure about their public safety.

Third, an elected policymaker or a victorious party commonly enters government with the belief that certain issues should be addressed and policy changes made. This usually begins with the program or platform espoused by the political parties during the election campaign. When that program spans a number of major issues, it may result in broad political changes in society. In England, the 1979 victory of Margaret Thatcher and the Conservative party heralded a new era of economic decentralization and privatization combined with some political centralization. These changes stemmed from the new government's strongly held philosophical views, both on the limited role of government and on the most effective means of pursuing its ends. Such a policy "revolution" is more likely in parliamentary systems where government and legislature act in concert than in systems like the United States, where the executive and legislative branches are often controlled by different parties. Though a rapid change in policy permits a swift response to urgent or changing national priorities (or conceptions), it also risks political or social dislocation, and as a consequence more divisive politics may arise that rupture the society consensus.

There are a multitude of potential "issues" that a politician may choose to address. Over time he may, indeed is likely to, select issues in such a way that he can address the concerns of different groups at difference points. Thus no groups will always be pleased and few, if any, will always be angry. In addition to being in the interest of the politician, this strategy often yields good public policy.

Public Input and Leverage

In addition to his own opinions and ideology, a politician approaching a particular issue usually takes pains to inform himself of the views of the public that elected him. Often this will be a subset of the entire public. The voters who elect a particular politician are referred to as his constituents.

One way for a politician to consider the views of the public is to read letters from the citizens and talk with them at private or public meetings. The advantage of communicating directly with individual constituents is that a politician can get a better understanding of why the public may be viewing an issue in a particular way and, perhaps, gauge the degree of popular commitment or concern. A disadvantage is the amount of time required to communicate with the voters, especially for national officials. Yet in the United States, for example, most legislators and congressmen take a great deal of time to meet with individual citizens from their districts and they keep track of the quantity of mail and calls they receive supporting or opposing important decisions. Local officials often find even more time to meet with individual citizens and attend to their views, needs and complaints.

A faster method of gauging public opinion is through polls. Surveys on attitudes toward important issues and topics are often conducted by television networks, newspapers and private polling organizations. Polls can give the politician a speedy sense of the opinions of the entire electorate, or any cross-section. But surveys may not always be reliable. A small adjustment in the way in which a question is phrased, for example, can have a major impact on the poll's results. And even the best polls are only accurate at the time they are taken; new developments can rapidly alter the public's opinion on an issue.

Polls may also be contradictory. For example, a majority of those surveyed might support better health care, while another poll reveals that most people are unwilling to raise taxes to pay for it. It may be that the public feels that money is not being spent efficiently on health care and wishes the government would provide better health care at the same cost. Perhaps the public views health care as a higher priority than other issues and would be willing to see more resources diverted to it from other spending categories. Or it may be that the public is not thinking maturely on this topic and wants a benefit without having to incur the cost. Polls can thus be ambiguous if one is seeking guidance on a policy issue, and may not tell a politician how a given decision will be viewed when its effects are actually felt.

If a politician chooses to follow his own beliefs on a particular matter, even if these clearly differ from the views of his constituents, he may be interested in polls that gauge the public's general confidence in him. If, for example, the president is considering whether to go ahead with a foreign policy decision that he fears will be unpopular, he will want to know the degree of public approval of him generally or of his conduct of international affairs. If such polls demonstrate wide public support, he may be more inclined to do something unpopular if he believes this is important for the country. In the United States, the death penalty has a great deal of public support as an appropriate form of punishment for heinous crimes. Some politicians, however, oppose the death penalty on principle. They should know if the public views their position on the death penalty as a general lack of concern for crime and public safety.

However, polls are not always the best guides. Sometimes they have the negative effect of encouraging politicians to shun specific proposals that seem to lack popular support even if they are wise or needed.

Depending on the nation's political system, a politician will at least consider—and may be bound by—the position his political party has espoused on an issue. Party discipline is usually strongest at the national level. Local officials commonly enjoy more discretion in applying their party's general principles to the immediate situation.

Party discipline varies greatly between nations with different political systems. The United States probably has the least. In Great Britain, and in most other parliamentary systems, the party organization is the politician's main resource in election campaigns, as well as his or her access to power, influence, and even the ballot. Thus he must remain in its good graces. A second factor that results in lower party discipline in non-parliamentary systems is that the head of government is elected independently of the legislature. In parliamentary systems, by contrast, the government must maintain the support of a legislative majority or it will be removed from office. Hence the need for tight party discipline in order to retain political office.

In making any decision, a politician also considers the previous positions he has taken and statements he has made on the issue, particularly if they were made near the time of his previous election and can be construed as campaign promises. A politician who frequently alters his position on issues in order to please everyone will not long be respected by the public or trusted by his constituents. Promises made at the time of an election will be recalled during the following election and may be used as a measure of the politician's accomplishments. A politician is not forever bound by everything he has ever said in public, but the degree to which he keeps his word is one measure of his integrity.

Politicians often consider what the effects of their decisions will be, not only on the general population, but also on those groups that will suffer the most concentrated costs or enjoy the greatest benefits from a particular action. A policy will be judged not only in terms of whether it provides the greatest good to the greatest number but also whether it is perceived as fair in apportioning costs and benefits. A policy, for example, that improved the lot of the rich but hurt the poor would be considered unfair by many.

Thus, it may matter precisely which groups are incurring costs and benefits. If a group of citizens is well-organized, a politician may not wish to irk them too much for fear they might punish him in the next election. A trade union in a United States industry, for example, may judge it important for government to maintain high tariff barriers to prevent foreign goods from competing unfairly (or even fairly) with the goods produced by American workers. A politician deciding whether to lower those barriers would have to consider that the union, or the owners of the plant, might support his opponent in the next election.

The questions of who incurs costs and who receives benefits can also play a critical role in determining the positions of elected officials with different constituencies. For example, in the United States the question of how to limit the pollution caused by coal-burning electrical utilities created a situation where a general benefit (cleaner air) was sought through the imposition of concentrated costs: stricter limits on pollution emissions that cost electrical companies—and their customers—more money. But the cheapest way for some electrical companies to reduce emissions is to import "cleaner" coal from different regions of the country, thus putting miners out of work in areas producing the "dirtier" coal.

The political compromise eventually reached was to require that the reduction in emissions be achieved by requiring electric utilities to install filtering mechanisms that would permit them to continue burning the dirtier coal, despite the fact that this approach is far more expensive. Thus reduced emissions were achieved and existing miners' jobs saved, but at a higher total cost, much of which the utilities will recover from consumers by raising rates.

The interest of organized groups is not always financial. An environmental organization, as in the case above, might demand that a politician reduce the levels of pollution or that he appoint officials who meet with its approval. In the United States, the large environmental organizations have tens of thousands of members who influence many other people. A politician has reason to fear that if his decisions go against such a group's positions, it will seek to defeat him in the next election.

Certain groups are generally allied with particular political parties. For example, in many Western democracies, labor unions tend to be allied with one of the major parties. In Britain it is even called the Labor Party. Thus the other major party, the Conservatives, need not pay much attention to the views of union leaders (though they may attempt to sway rank-and-file unionists) because it is unlikely that the unions will abandon the Labor Party. On the other hand, Labor Party leaders pay quite a bit of attention to union leaders and members, who form their strongest base of support.

Organized groups also play a role in helping to inform the policymaker of his options, particularly in areas where he has only limited knowledge. Though he must filter that information through his awareness that the group has an interest in his eventual decision, hence a preference among the policy options, he often finds that organized groups can provide valuable data on a particular issue and on how it affects certain constituents.

The resulting policy is rarely a total victory for one side or a total loss for the other. That is because policy making in a democracy nearly always consists of attempts to forge consensus and find common ground. Edmund Burke noted that "All government . . . is founded on compromise and barter." Only in the rarest cases does one side so completely gain the upper hand politically that it can completely ignore the interests of the other, and then never for long. Even when a total victory is possible, it is rarely wise. It polarizes the opposition and poisons the atmosphere of mutual respect and tolerance that is necessary in any free society.

Such compromise is often difficult to reach when there is the involvement of institutions based on moral, rather than practical, concerns. The most difficult area of policymaking is that which involves the religious institutions of the country.

In the United States, there is a constitutional separation of church and state. First and foremost, the constitutional separation of church and state prevents the *establishment* of any single state religion. Thus, all religious denominations have equal rights and standing in the society, and all members of a religion have equal rights. This prevents one religious group from trying to impose its will on other religious groups, even when the first might form a majority. The United States was founded in large part as a haven from religious repression. Thus, the principle of church and state separation is very strong. This does not prevent religious institutions from taking part in the political life of the country or in trying to influence public officials on particular issues. But the constitutional separation of church and state does prevent one religion from establishing policy.

Where there is no such constitutional separation, religious institutions may often play a much more important role in setting certain public policy, for example concerning the issue of abortion or that of religious instruction in the public schools. The United States is unusual in that the Supreme Court has determined that religious instruction in the public schools (that is, schools financed by the taxes of citizens) should not be permitted under the church-state separation clause of the Constitution. In many European democracies, religious instruction is allowed, or even required as part of the school curriculum. However, any such issue involving religious or moral affairs is necessarily difficult and usually ongoing. (The debate over whether to legalize abortion or make it illegal continues in almost every democracy, as does the debate over the nature and extent of religious instruction.)

In a democracy, there is always a major problem when confronting public policy on moral or religious issues. For moral or religious issues usually are viewed as absolutes. It is difficult to compromise on such issues, in the same way one might craft a compromise on what level of taxation there should be or what type of budget expenditures might be allocated. The danger is that establishing strict moral or religious codes may impinge on the rights of individuals or minorities.

The elected official both serves and leads the people as a policymaker. He must not be immune to popular concern, else he may stop listening to what the public has to say. But the politician who makes his decisions based solely on what seems most popular at the time provides little expertise, leadership or statesmanship. He fails to educate the public about its long-term interests and also fails in his duty to pursue those interests.

SECTION IV

The Media

> ***The freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.***
>
> **George Mason, 1776**

Given the scale of modern democratic societies, citizens need the means by which to communicate over long distances, both with each other and with their government. Television, radio, newspapers, magazines and books are the media without which modern democracies could not exist in their present form.

The press is not a passive medium or transparent communicator. In a modern free society it attempts to play an active role. It takes special pride in informing the public of the activities of government, including some that the government might prefer to obscure.

In order to fulfill its role, the press must remain independent of government control. The government cannot use the press as a tool to advance its policies. The press, however, has a duty—not always honored—to use its power responsibly so as to encourage reasonable and balanced discussion of public issues.

Modern societies have highly developed and sophisticated media institutions. In unfree societies, these are used by the government to manipulate the people. Democracies, by contrast, have a free and independent press that performs an important role in the political process.

One function of the media is to inform and educate. Since the public ultimately makes the decisions about how the government should be run, people need information about issues. As Arthur Sulzberger, former publisher of the *New York Times* stated, "A man's judgment cannot be better than the information on which he has based it."

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Through news stories, editorials and opinion articles, the press informs the public about issues and problems facing society. It conveys details about candidates for elected office, the positions they take, their experience, and their character. Armed with such information, voters can make wiser decisions.

At times, the press can foster compromise among political factions. For example, it can keep the pressure on government officials to reach a decision on an important policy issue. It can also help the nation achieve consensus on an issue by providing a forum for the exchange of information and opinion.

Governments may seek to deceive the public about their activities and intentions through the use of propaganda and manipulation of the media. The free press, by contrast, generally holds the government to the truth. Note, however, that the information the press provides is filtered through the biases, ideologies, and personal feelings of the reporter, editor, and publisher, and may also be affected by the marketing needs of the publication. Many journalists strive to provide an accurate object account of the news; others are columnists whose role is to promote a policy agenda and to express personal opinions. But in no case can personal biases be completely removed. That is why citizens are wise to rely on multiple news sources to get as accurate a picture of events as possible.

The media can have detrimental effects on the political process. They can inflame public opinion, preoccupy a government with defending itself on one issue to the exclusion of all other business, and intrude on individual privacy. Victims of crimes, natural disasters or other tragedies often see their woes replayed and examined in the press, and there is no detail of a politician's life that is not subject to scrutiny by the media.

The most important benefit of the media is usually in the area of public policy. The media play an important role in exposing wrongdoing, reporting on major issues facing the public, and seeking out information that even democratically elected officials might wish to keep from the public. Power is naturally alluring and sometimes corrupting. It is important for there to be an independent media to prevent politicians from abusing their power, which is entrusted to them by the voters. Debate arises when the media act rashly or irresponsibly to expose an issue without properly obtaining the facts, or if the media publicizes something right before an election that adversely affects one party. (Already, in Czechoslovakia, this issue was raised when three days before their first free election, the head of a political party was exposed as a police informer, thus hurting the party's chance. However, polling data later showed that this had little measurable effect.) In a democracy, however, the preference is for unfettered freedom rather than for government restriction on the press. As Alexis de Tocqueville wrote, "In order to enjoy the inestimable benefits that the liberty of the press ensures, it is necessary to submit to the inevitable evils that it creates."

Government Regulations of the Media

The importance free societies place on an independent press can be seen by examining the protection the United States Constitution affords to the press. The First Amendment of the Constitution states that "Congress shall make no law . . . abridging the freedom of speech or of the press." The government cannot stop the press from publishing or broadcasting any information nor can it levy penalties after publication, even if the information includes classified government secrets. (There are only very limited exceptions. Judges may bar the press from publishing details about an ongoing criminal trial, for example, to insure that jurors will not be improperly influenced by outside information. Radio and television cannot broadcast obscene language or programming. It is possible for individuals to collect damages from newspapers or broadcasting stations for publishing items deemed libelous to that individual, although only in very specific circumstances.)

Other countries place tighter controls on their media. While the British press enjoys many strong protections under its common law and acts of Parliament, Britain also has an Official Secrets Act that allows the government to prosecute individuals for publishing state secrets. It is also easier for public figures in Britain to win libel suits. In France, a newspaper editor was once heavily fined for writing an article critical of the country's president and, until the 1970's, the French government had the power to ban any motion picture deemed likely to "disturb the public peace" or for "other reasons of state." The broadcast media are also subject to regulation with regard to political campaigns in many European countries. Stations are required to donate large amounts of free air time to candidates, for example, and are forbidden to air campaign advertisements during certain periods of the campaign.

While newspapers in democratic countries are usually privately owned, outside the United States the major radio and television stations are often owned by the state. The degree of government control varies from nation to nation. The British Broadcasting Corporation is a public corporation that has full control over its own management and editorial policies so long as it abides by the terms of its license. By contrast, the French television network is officially part of the French Ministry of Education and is subject to more government control of editorial policy. The French model is the exception rather than the rule, however; most government broadcasting networks in Western Europe and Japan follow the British model.

The Media's Role in the Political Process

The media have always played a major role in the political life of the modern democracy. Edmund Burke was exaggerating only slightly when he stated that there were ". . . three Estates in Parliament [the lords, the clergy, and the commons] but in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all."

Politicians pay careful attention to how they are perceived in the press. They try to get their messages to the public through the media, and try to obtain the most favorable image possible in the media.

Television exerts an especially large influence on politics due to its immediate and accessible nature and because most people now get most of their news from television. News reported on television is basically a series of pictures tied together with brief commentary. The more dramatic the pictures, the more likely that television will cover the topic. Another important characteristic of television news is its limited time. Generally the national news shows last 30 minutes a day, and each news story is allotted only two or three minutes. This does not allow for full treatment of a subject at hand, and may oversimplify, or even trivialize a news story. But television is also more immediate and can transmit news quickly and vividly. This allows the public to gain instant access to important news.

The media do affect the political process in other ways, mainly through the independent decisions they make concerning what news to broadcast or publish. Every day, editors must appraise large amounts of potential news and decide what will be included in the next morning's paper or that evening's broadcast. Editors make these decisions based on what they think people will want to read or watch, what stories they think are most significant as news, or what they think will sell the most newspapers or increase their viewers. These decisions determine what issues the public is made aware of and, consequently, what issues attain political salience.

The media are often criticized for the editorial decisions they make. At times the press can carry its "watchdog" role too far and air information that should be kept confidential. In the United States, the private lives of politicians are considered important information for the public. The media sometimes publish military secrets or expose details of confidential discussions within the government that may harm national security. But the United States Constitution seeks a delicate balance between individual liberty and national or public security. For the political life of the citizenry, usually people prefer an unfettered press than instituting controls that may restrict the public's access to information.

Perhaps Thomas Jefferson put it best when he wrote, "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

Conclusion

Though democracy has been a powerful and enduring ideal over the last two millennia, it has also proven fragile in practice. Over that time, few countries have been able to sustain the patience, institutional infrastructures and appropriate checks and balances necessary for democratic politics to function over a long period of time. But in the post-war world, democracies have become more plentiful, and many have achieved a stability that has allowed those countries to increase both the liberty and prosperity of their citizens. Today, more and more countries are embarking on the road towards democracy as the best system of politics yet conceived.

In a democratic society, politics consists of the dialogue between the government and its citizens, and among citizens themselves. It is important not only in establishing a fair and viable system of government, but also in ensuring that such a system actually addresses the issues, events and problems of the day without losing the consent and support of the governed. Politicians try both to persuade voters of the rightness of their ideas and beliefs and to discover the voters' own interests and preferences. In the meantime, individual citizens and organizations may participate in the debate, offer guidance, and gather enough information to determine whether the politicians are acting wisely on their behalf. Any free society requires, above all, the active participation of its citizenry. Aristotle wrote: "If liberty and equality . . . are chiefly to be found in democracy, they will be best attained when all persons alike share in government to the utmost."

Aristotle's words have several profound meanings. Most importantly, democracy provides the greatest measure of liberty and equality. In such a system, the individual citizen has the most control over his own life. The individual has the most opportunity to pursue his own interests and to fulfill his aspirations and dreams. At the same time, such liberty and equality impose a large responsibility on the individual both in his own life and in the life of the community or nation; for no individual, group or party may seize the power to determine the affairs of state or another individual's private affairs.

Since the state does not provide for all the wants and needs of the individual, the individual must provide for his own wants and needs and seek satisfaction of those needs often through private means. Also, the individual cannot expect the state or the government to spontaneously act on a particular issue, whether it be to erect a traffic signal at a dangerous road crossing or to improve the state of public education. The citizenry is entrusted with the responsibility for self-government, and thus it is the citizenry which ensures the quality of both public and private life. It is the full participation of the citizenry that allows politics to fulfill its noblest function.

Because all citizens are involved, democratic politics is complex. And no one view is assumed to be correct. The state of the ideal political order is not considered relevant, for it is impossible that everyone shall agree on the ideal. The communist system has shown the danger of trying to achieve utopia.

Politics in a free society is an evolutionary process, not a static condition. It must be regularly adjusted to reflect changes in society and periodically strengthened to defend itself from potential assault, from both within and without. It depends on the power of competing ideas, beliefs and ideologies and an orderly discussion of differing viewpoints, while striving to serve the public interest and improve the lives of the citizenry.

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